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THIRD SESSION OF THE FIFTH PARLIAMENT

OF THE

DOMINION OF CANADA.

---

SESSION 1885.

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OF THE

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3. Report of the Department of Indian Affairs, for the year ended 31st December, 1884. Presented to the House of Commons, 2nd February, 1885, by Sir John A. Macdonald—  
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4. Annual Report, Returns and Statistics of the Inland Revenues of the Dominion of Canada, for the fiscal year ended 30th June, 1884. Supplement No. 1—Canal Statistics for season of navigation, 1884. Supplement No. 2—Eleventh Report on Inspection of Weights, Measures and Gas, 1884. Supplement No. 3—Report on Adulteration of Food, 1884. Presented to the House of Commons, 2nd February, 1885, by Hon. J. Costigan—  
*Printed for both Distribution and Sessional Papers.*

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5. Annual Report of the Auditor-General on Appropriation Accounts, for the fiscal year ended 30th June, 1884. Presented to the House of Commons, 2nd February, 1885, by Sir Leonard Tilley.....*Printed for both Distribution and Sessional Papers.*
6. Annual Report of the Postmaster-General, for the year ended 30th June, 1884. Presented to the House of Commons, 11th February, 1885, by Hon. J. Carling—  
*Printed for both Distribution and Sessional Papers.*



7. Annual Report of the Department of Militia and Defence of the Dominion of Canada, for the year ended 31st December, 1884. Presented to the House of Commons, 5th February, 1885, by Hon. J. P. R. A. Caron..... *Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 5.

8. Annual Report of the Minister of Agriculture for the Dominion of Canada, for the year ended 31st December, 1884. Report on Historical Archives. Abstracts of the Returns of Mortuary Statistics, for the year 1884. Presented to the House of Commons, 20th March, 1885, by Hon. J. H. Pope..... *Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 6.

9. Seventeenth Annual Report of the Department of Marine and Fisheries, being for the fiscal year ended 30th June, 1884. Presented to the House of Commons, 16th February, 1885, by Hon. A. W. McLelan..... *Printed for both Distribution and Sessional Papers.*
- 9a. Preliminary Report on the Fisheries of Canada, for the year 1884. Presented to the House of Commons, 27th February, 1885, by Hon. A. W. McLelan—  
*Printed for both Distribution and Sessional Papers.*
- 9b. First Annual Report of the Department of Fisheries, Dominion of Canada, for the year 1884. Presented to the House of Commons, 28th May, 1885, by Hon. A. W. McLelan—  
*Printed for both Distribution and Sessional Papers.*
- 9c. Report of the Fish-breeding in the Dominion of Canada, for 1884. Presented to the House of Commons, 14th April, 1885, by Hon. A. W. McLelan—  
*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 7.

10. Annual Report of the Minister of Public Works of Canada, for the fiscal year ended 30th June, 1884, on the works under his control. Presented to the House of Commons, 2nd February, 1885, by Sir Hector Langevin..... *Printed for both Distribution and Sessional Papers.*
11. Annual Report of the Minister of Railways and Canals, for the fiscal year ended 30th June, 1884, on the works under his control. Presented to the House of Commons, 11th February, 1885, by Hon. J. H. Pope..... *Printed for both Distribution and Sessional Papers.*
- 11a. Reports of the Railway Statistics of Canada, and capital, traffic and working expenditure of the railways of the Dominion, for the year 1883-84. Presented to the House of Commons, 15th April, 1885, by Hon. J. H. Pope..... *Printed for both Distribution and Sessional Papers.*
12. Annual Report of the Secretary of State of Canada, for the year ended 31st December, 1884. Presented to the House of Commons, 17th February, 1885, by Hon. J. A. Chapleau—  
*Printed for both Distribution and Sessional Papers.*
13. Annual Report of the Department of the Interior, for the year ended 31st December, 1884. Presented to the House of Commons, 30th January, 1885, by Sir John A. Macdonald—  
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14. Report of the Superintendent of Insurance, for the year ended 31st December, 1884—  
*Printed for both Distribution and Sessional Papers.*
- 14a. Abstract of Statements of Fire and Inland Marine Insurance Companies in Canada, for the year ended 31st December, 1884. Presented to the House of Commons, 30th March, 1885, by Sir Leonard Tilley. Report of the Superintendent of Insurance, for the year ended 31st December, 1884..... *Printed for both Distribution and Sessional Papers.*



- 14b.** Return to an Order of the House of Commons, dated 2nd March, 1885, for a statement showing the receipts and expenditure of the liquidators of the Canada Agricultural Insurance Company, from date of appointment up to this day, giving in detail the names of shareholders who have paid instalments, the dates and amounts of payments made, the balances due, the amount now owing by each shareholder, and the amounts for which they were liable when the company was put in liquidation; also a detailed statement of the sums paid by the said liquidators, the names of the persons to whom payments were made, the dates thereof, the object for which such payments were made, and all other information necessary to show precisely the financial condition of the said insolvent company, including a statement of the affairs of the company when it was placed in liquidation. Presented to the House of Commons, 31st March, 1885.—*Mr. Amyot* ..... *Not printed.*
- 15.** Annual Report of the Minister of Justice as to Penitentiaries in Canada, for the year ended 30th June, 1884. Presented to the House of Commons, 2nd February, 1885, by Sir Hector Langevin.....*Printed for both Distribution and Sessional Papers.*
- 15a.** Return to an Order of the House of Commons, dated 30th March, 1885, for copies of all correspondence between the Department of Justice and the Inspectors or the Warden of the Penitentiary of British Columbia, in regard to the suspension, in whole or in part, of any of the rules of said institution. Presented to the House of Commons, 20th April, 1885.—*Mr. Shakespeare*.....*Not printed.*
- 16.** Annual Report on the Library of Parliament. Presented to the House of Commons, 29th January, 1885, by Hon. Mr. Speaker.....*Printed for Sessional Papers only.*

### CONTENTS OF VOLUME No. 9.

- 17.** Shareholders in the Chartered Banks of the Dominion of Canada, as on the 31st of December, 1884. Presented to the House of Commons, 20th March, 1885, by Sir Leonard Tilley—  
*Printed for both Distribution and Sessional Papers.*
- 17a.** Memorandum respecting the estate of the Bank of Upper Canada. Presented to the Senate, 25th February, 1885, by Hon. Sir Alexander Campbell.....*Not printed.*
- 18.** Dominion Police Commissioners' Return to Parliament, 1884, required by 31 Victoria, chapter 73. Presented to the House of Commons, 2nd February, 1885, by Sir Hector Langevin—  
*Not printed.*
- 19.** Return of Governor General's Warrants issued since last Session of Parliament on account of 1883-84 and 1884-85, in accordance with 41 Victoria, chapter 7, section 32, sub-section 2. Presented to the House of Commons, 2nd February, 1885, by Sir Leonard Tilley.  
*Printed for Distribution only.*
- 20.** Statement of payments charged to Unforeseen Expenses, by Orders in Council, from 1st July, 1884, to date, in conformity with Act 47 Victoria, chapter 2, schedule B. Presented to the House of Commons, 2nd February, 1885, by Sir Leonard Tilley.....*Not printed.*
- 21.** Report of the Commissioners appointed to consolidate and revise the Statutes of Canada. Presented to the House of Commons, 3rd February, 1885, by Sir John A. Macdonald.  
*Printed for Distribution only.*
- 22.** Statement of name and rank of each person superannuated or retired, his salary, age, length of service, the allowance granted him on retirement, cause of his superannuation, and whether the vacancy has been subsequently filled, and, if so, whether by promotion or new appointment, and the salary of the new appointee, under 46 Victoria, chapter 8, section 15, from 1st January to 31st December, 1884. Presented to the House of Commons, 3rd February, 1885, by Sir Leonard Tilley.....*Printed for Distribution only.*
- 22a.** Return to an Order of the House of Commons, dated 6th February, 1885, for a statement showing for the time elapsed since the period covered by the Order of the House of Commons

of last Session, with reference to the Superannuation Fund: 1. The number of persons on the list for the year as entitled to the benefit of the Act. 2. The number superannuated during the year under the Act. 3. The number retired during the year on a gratuity under the Act. 4. The total amount paid into the fund from the beginning by those who were during the year superannuated or retired on a gratuity; distinguishing between those whose superannuation was caused by the abolition of office, those who were superannuated otherwise, and those who retired on a gratuity. 5. The number of persons on the list for the year who died in the service. 6. The total amount paid into the fund from the beginning by those who during the year died in the service. Presented to the House of Commons, 2nd March, 1885.—*Mr. Blake—*

*Printed for Sessional Papers only.*

**22b.** Return to an Order of the House of Commons, dated 6th February, 1885, for a Return: 1. Showing the number of persons on the list of Civil Servants on the 1st day of January, in the years 1879-80-81-82-83-84 and '85, separately, contributing to the Superannuation Fund. 2. Showing the number of persons on the list of Civil Servants on the 1st day of January, 1885, entitled to the benefit of the Superannuation Act, by annuity in case of retirement. 3. The total amount paid into the fund from the beginning by each of those superannuated during the year 1884, also the respective amounts paid in by those granted a gratuity during the year 1884. Presented to the House of Commons, 23rd March, 1885.—*Mr. McMullen.....Not printed.*

**22c.** Return to an Address of the House of Commons, dated 28th March, 1884, for copies of all Orders in Council, correspondence, complaints, reports or other documents in connection with the suspension, superannuation or retirement of W. F. Whitcher from the Public Service. Presented to the House of Commons, 8th June, 1885.—*Mr. Casey.....Not printed.*

**23.** Return (*in part*) to an Order of the House of Commons, dated 14th February, 1884, for return of all sums paid to the *Gazette* Publishing Company of Montreal, and other newspapers, for printing and advertising during the years 1874 and 1883. Presented to the House of Commons, 4th February, 1885.—*Mr. McMullen.....Not printed.*

**23a.** Return (*in part*) to an Address of the House of Commons, dated 17th February, 1885, for a Return showing the several sums paid and dates of payment made by the Government between the 1st day of January, 1884, and the 30th day of June, 1884, and between the 1st day of July and the 31st day of December, 1884, to the several printing and publishing companies of the Dominion, or to editors, agents or proprietors of newspapers, or publishers of any kind, for any work done or material furnished. Presented to the House of Commons, 29th May, 1885.—*Mr. McMullen.....Not printed.*

**24.** Official Return of the distribution of the Dominion Statutes of Canada, being 47 Victoria, 2nd Session, 5th Parliament, 1884—Vols. 1 and 2 separately, and 1 and 2 together; English and French versions. Presented to the House of Commons, 6th February, 1885, by Hon. J. A. Chapleau.....*Not printed.*

**25.** Articles of agreement entered into between Andrew Onderdonk and Her Majesty Queen Victoria, represented by the Minister of Railways and Canals of Canada, to furnish and erect a combined passenger and freight building at each of the following places on the line of the Canadian Pacific Railway in British Columbia, viz.:—Yale, Lytton and Ashcroft. Also between John Philip Bacon and Her Majesty Queen Victoria, &c., to construct nine water tanks on Canadian Pacific Railway in British Columbia, between Emory's Bar and Savona's Ferry. Presented to the House of Commons, 6th February, 1885, by Hon. J. H. Pope—

*Not printed.*

**25a.** Return (*in part*) under resolution of the House of Commons, passed on the 20th February, 1882, on all subjects affecting the Canadian Pacific Railway, respecting details as to: 1. The selection of the route. 2. The progress of the work. 3. The selection or reservation of land. 4. The payment of moneys. 5. The laying out of branches. 6. The progress thereon. 7. The rates of tolls for passengers and freight. 8. The particulars required by the Consolidated Railway Act and amendments thereto, up to the end of the previous fiscal year. 9. Like particulars up to the latest practicable date before the presentation of the return. 10. Copies of all



Orders in Council and of all correspondence between the Government and the Railway Company, or any member or officer of either, relating to the affairs of the company. Presented to the House of Commons, 13th February, 1885, by Hon. J. H. Pope—

*Printed for Sessional Papers only.*

- 25b.** Annual Return *in re* the Canadian Pacific Railway, 1884-85, under resolution of the House of Commons, passed on the 20th February, 1882. Presented to the House of Commons, 13th February, 1885, by Sir John A. Macdonald.....*Printed for Sessional Papers only.*
- 25c.** Supplementary Return to a Standing Order of the House of Commons, dated 20th February, 1882, for full information on all subjects affecting the Canadian Pacific Railway up to the latest date, and particularly all details as to: 1. The selection of the route. 2. The progress of the work. 3. The selection or the reservation of land. 4. The payment of moneys. 5. The laying out of branches. 6. The progress thereon. 7. The rates of tolls for passengers and freight. 8. The particulars required by the Consolidated Railway Act and amendments thereto, up to the end of the previous fiscal year. 9. Like particulars up to the latest date before the presentation of the return. 10. Copies of all Orders in Council and of all correspondence between the Government and the Railway Company, or any member or officer of either, relating to the affairs of the company. Presented to the House of Commons, 17th February, 1885, by Hon. J. A. Chapleau.....*Printed for Sessional Papers only.*
- 25d.** Return to an Order of the House of Commons, dated 9th February, 1885, for a statement and plan showing the grades and curves on the temporary or permanent line actually constructed by the Canadian Pacific Railway Company, from the foot of the Rocky Mountains as far as the rails are laid; and the proposed grades and curves on the continuation to Kamloops; showing also the proposed grades and curves on the permanent line at a point at which a temporary line of about nine miles has been constructed. Presented to the House of Commons, 5th March, 1885.—*Mr. Blake* .....*Not printed.*
- 25e.** Return to an Order of the House of Commons, dated 5th February, 1885, for map or maps showing: 1. The location of the Canadian Pacific Railway, so far as approved of or constructed. 2. Its location, so far as proposed to Government, but not yet approved. 3. The location of any branches constructed or acquired and of any now contemplated by the company, so far as the Government is advised. 4. The lands set apart for the company, but not yet granted. 5. The lands granted. 6. The lands applied for, but not yet set apart. Presented to the House of Commons, 5th March, 1885.—*Mr. Blake* .....*Not printed.*
- 25f.** Return to an Address of the House of Commons, dated 5th February, 1885, to His Excellency the Governor General, praying that he will cause to be laid before the House a copy of: 1. Correspondence between the Canadian Pacific Railway Company and the North Shore Railway Company, for the purchase, by the said Canadian Pacific Railway Company, of the said North Shore Railway from St. Martin's Junction to Quebec, or to obtain control of the same, or to make such arrangements as would allow the said Canadian Pacific Railway to extend its railway to Quebec. 2. Of all correspondence between the Government and the Canadian Pacific Railway Company concerning the extension of their railway from St. Martin's Junction to the Harbor of Quebec. 3. Of all correspondence between the Government and any other persons for the purpose of incorporating such persons for the construction of a railway from the terminus of the Canadian Pacific Railway, at St. Martin's Junction, to the Harbor of Quebec. Presented to the House of Commons, 5th March, 1885.—*Mr. Laurier*.....*Not printed.*
- 25g.** Return to an Order of the House of Commons, dated 17th February, 1885, for a copy of separate report or finding of Judge Clarke, one of the arbitrators on the claims for damages of contractors for Section B, Canadian Pacific Railway, in regard to such claims or to the award in reference thereto, signed by Messrs. Brydges and Light, the other arbitrators. Presented to the House of Commons, 5th March, 1885.—*Mr. Casey*.....*Not printed.*
- 25h.** Return to an Order of the House of Commons, dated 17th February, 1885, for a copy of the case submitted by the Government to counsel, and opinion given by counsel consulted by the Government, as to the validity of the award of damages to contractors for Section B, Canadian Pacific Railway, and as to the action that should be taken in reference to such award. Presented to the House of Commons, 5th March, 1885.—*Mr. Casey*..... *Not printed.*



**25i.** Return to an Order of the House of Commons, dated 16th February, 1885, for a statement of sums paid to the Canadian Pacific Railway Company up to date, for constructions on those portions of the Canadian Pacific Railway between Port Arthur and Winnipeg, the contract for which has been transferred to them from the original contractors, with dates of payment; also, copies of estimates on which such payments have been made, showing quantities and rates. Presented to the House of Commons, 5th March, 1885.—*Mr. Casey*.....*Not printed.*

**25j.** Supplementary Return, under resolution of the House of Commons, passed on the 20th February, 1882, on all subjects affecting the Canadian Pacific Railway, respecting details as to: 1. The selection of the route. 2. The progress of the work. 3. The selection or reservation of land. 4. The payment of money. 5. The laying out of branches. 6. The progress thereon. 7. The rates of tolls for passengers and freight. 8. The particulars required by the Consolidated Railway Act and amendments thereto, up to the end of the previous fiscal year. 9. Like particulars up to the latest practicable date before the presentation of the Return. 10. Copies of all Orders in Council, and of all correspondence between the Government and the Railway Company, or any member or officer of either, relating to the affairs of the company. Presented to the House of Commons, 5th March, 1885, by Hon. J. A. Chapleau.

*Printed for Sessional Papers only.*

**25k.** Return to an Address of the House of Commons, dated 5th February, 1885, for a statement showing the date and rate at which the ten million dollars of Canadian Pacific Railway stock formerly pledged for a loan of about \$4,950,000 was sold, and the net amount received by the company in respect of such sales. Presented to the House of Commons, 9th March, 1885.—*Mr. Blake*.....*Not Printed.*

**25l.** Return to an Order of the House of Commons, dated 4th February, 1885, for copies of all reports of Government engineers, made previous to and on this day, in relation to the survey of the several proposed lines for the extension of the Canadian Pacific Railway from Montreal to a port on the Atlantic Ocean. Also the instructions and the official correspondence which passed between the several engineers and the Government. Presented to the House of Commons, 11th March, 1885.—*Mr. Lesage*.....*Not printed.*

**25m.** Return to an Address of the House of Commons, dated 17th February, 1885, for a plan of the proposed route or routes of the Canadian Pacific Railway from Port Moody, or the neighborhood thereof, to English Bay or Coal Harbor, showing the point at which the route chosen diverges from the main line, and the distance thereof from the present terminus at Port Moody; also an estimate of the cost of constructing the proposed line to the new Pacific terminus, and of the cost of the terminal accommodations there. Presented to the House of Commons, 13th March, 1885.—*Mr. Blake*.....*Not printed.*

**25n.** Return to an Address of the House of Commons, dated 23rd February, 1885, for copies of the report of Mr. Van Horne, Vice-President of the Canadian Pacific Railway Company, of September last, and of Mr. S. B. Read, C.E., of the same month, with reference to the Canadian Pacific Railway in British Columbia; and also reports of engineers of high standing, as to the route of the Canadian Pacific Railway at the point where a temporary line has been built, referred to in the letter from Mr. Van Horne to the Minister of Railways and Canals, of 19th May, 1884, and for any report of Mr. Fleming on the subject, in the possession of the Railway Company. Presented to the House of Commons, 13th March, 1885.—*Mr. Blake*—

*Printed for Sessional Papers only.*

**25o.** Return to an Address of the House of Commons, dated 17th February, 1885, for a copy of the claim put in by the contractors of Section B, on which the award to them of \$395,600 was based; and of Order in Council of 2nd April, 1883, in reference to submission to arbitrators. Presented to the House of Commons, 13th March, 1885.—*Mr. Casey*.....*Not printed.*

**25p.** Supplementary Return to an Order of the House of Commons, dated 17th February, 1885, for a copy of the case submitted by the Government, as to the validity of the award of damages to contractors for Section B, Canadian Pacific Railway, and as to the action that should be taken in reference to such award. Presented to the House of Commons, 16th March, 1885.—*Mr. Casey*.....*Not printed.*

- 25g.** Return to an Address of the House of Commons, dated 5th February, 1885, for copies of all correspondence, reports and Orders in Council not covered by the previous Address, relating to the allowances proposed to be paid to the Canadian manufacturers of certain goods required by the Canadian Pacific Railway; of all applications for such allowances, and correspondence in connection therewith; a statement of the calculations on which the allowances have been based, and an estimate in detail of the probable sums payable out of the Treasury in respect of each class of goods, assuming them to be made in Canada, to the extent of the company's requirements, and of the *ad valorem* percentage of all allowances on each such class. Presented to the House of Commons, 18th March, 1885.—*Mr. Blake*.....*Not printed.*
- 25r.** Return to an Address of the House of Commons, dated 12th March, 1885, for a statement showing the names and addresses of all shareholders in the Canadian Pacific Railway Company, with the amount of stock held by each, as of the date of 16th February, 1885. Presented to the House of Commons, 18th March, 1885.—*Mr. Blake*.....*Not printed.*
- 25s.** Return to an Order of the House of Commons, dated 16th February, 1885, for a copy of the report of the engineers appointed to re-measure and re-classify the work on Section B, Canadian Pacific Railway, in connection with the claims of the contractors for said section for increased remuneration for such work and for damages. Also all reports of the engineers in charge of said section, or of the Engineer-in-Chief or any other Government engineer, in reference to the questions of measurement, classification or damages at issue between the Government and the contractors. Presented to the House of Commons, 23rd March, 1885.—*Mr. Casey*—  
*Printed for Sessional Papers only.*
- 25t.** Return to an Address of the House of Commons, dated 9th February, 1885, for a statement showing the number of passenger trains, freight trains and mixed trains, distinguishing each class, run daily, or weekly in cases in which there was not a daily train, over each division of the Canadian Pacific Railway, in each week of the years 1883 and 1884 respectively. Presented to the House of Commons, 26th March, 1885.—*Mr. Blake*.....*Not printed.*
- 25u.** Return to an Order of the House of Commons, dated 12th March, 1885, for copies of all memorials, letters and other representations, in writing, received by the Government on the subject of the non-payment by the Canadian Pacific Railway Company of amounts due to contractors, sub-contractors or laborers engaged in the construction of the Canadian Pacific Railway. Presented to the House of Commons, 26th March, 1885.—*Mr. Charlton*—  
*Not printed.*
- 25v.** Supplementary Return to a Standing Order of the House of Commons, passed on the 20th February, 1882, for full information on all subjects affecting the Canadian Pacific Railway up to the latest date, and particularly all details as to: 1. The selection of the route. 2. The progress of the work. 3. The selection or reservation of land. 4. The payment of the moneys. 5. The laying out of branches. 6. The progress thereon. 7. The rates of tolls for passengers and freight. 8. The particulars required by the Consolidated Railway Act and amendments thereto up to the end of the previous fiscal year. 9. Like particulars up to the latest practicable date before the presentation of the return. 10. Copies of all Orders in Council and of all correspondence between the Government and the railway company, or any member or officer of either, relating to the affairs of the company. Presented to the House of Commons, 23rd April, 1885, by Hon. J. H. Pope.....*Not printed.*
- 25w.** Return to an Address of the House of Commons, dated 12th February, 1885, for a statement in detail of the present position of land grant and the land grant bonds of the Canadian Pacific Railway Company, showing, by the number of the section, the township and range or other description, the lots granted to the company. Also the lots sold by the company. Also the amount of land grant bonds in the hands of the Government; the amount in the hands of the company; the amount in the hands of the public; the amount pledged by the company for loans, or otherwise, with details, and the amount cancelled; showing also the sum received by the company for lands sold in each calendar year and in the course of the present year; and the amount now due to the company in respect of lands sold, with a separate statement showing the amount received by the company from sales in town sites, and



the amount now due on such sales, distinguishing between the receipts and debts on account of town sites comprised in the land grant, or in any arrangement with the Government, and the receipts and debts on account of other town sites. Presented to the House of Commons, 23rd April, 1885.—*Mr. Blake*.....*Not printed.*

**25x.** Return to an Order of the House of Commons, dated 2nd March, 1885, for copies of all reports, plans, specifications, estimates, contracts, correspondence and other papers in connection with the construction of the Canadian Pacific Railway wharf and freight shed at Port Moody, B.C., and relating to its deterioration and repairs or reconstruction. And like papers as to the bridge on the railway near Spuzzum, B.C. Presented to the House of Commons, 23rd April, 1885.—*Mr. Blake*.....*Not printed.*

**25y.** Return to an Order of the House of Commons, dated 24th February, 1885, for any information in the possession of the Department as to the character of the work done near Lytton, B.C., on the Canadian Pacific Railway, on that portion of the road for which Mr. Hugh J. Keefer had a sub-contract, and which was under the inspection of his brother, Mr. George Keefer, Government engineer; also copies of any statements as to the character of the material allowed as rock or as other than earth, in this part. Presented to the House of Commons, 24th April, 1885.—*Mr. Blake*.....*Printed for Sessional Papers only.*

### CONTENTS OF VOLUME No. 10.

**25z.** Return to an Order of the House of Commons, dated 23rd February, 1885, for all reports, plans and other information in the possession of the Department in reference to the work on the Canadian Pacific Railway at or near Maple Ridge, a short distance above Hammond, on the bank of the Fraser, B.C.; for all reports and information in the possession of the Department as to the condition of the work on the Government sections of the Canadian Pacific Railway in British Columbia; and as to the extent of work remaining to be done before the completion of the contract; also for all correspondence with the Canadian Pacific Railway Company as to the taking over by them of these sections of the railway; also for a statement of the names, salaries and period of service in that region, of the Government engineers who have been employed on the Government sections in British Columbia of the Canadian Pacific Railway, with the dates at which any of them were relieved, a statement of the cause of their removal, and of their present occupation, if any, under the Government. Presented to the House of Commons, 5th May, 1885.—*Mr. Blake*.....*Printed for Sessional Papers only.*

**25aa.** Return to an Order of the House of Commons, dated 2nd of March, 1885, for copies of all applications, statements, estimates or letters sent from the Canadian Pacific Railway to the Government, or any of its officials, in relation to the change made by the Government between 7th April, 1884, and 16th May, 1884, in the dealing with rolling stock in progress estimates and payments in the Eastern Section, Western Division, and copies of all correspondence and papers upon the same subject. Presented to the House of Commons, 5th May, 1885.—*Mr. Edgar*.....*Not printed.*

**25bb.** Supplementary Return to a Standing Order of the House of Commons, passed on the 20th February, 1882, for full information on all subjects affecting the Canadian Pacific Railway up to the latest date, and particularly all details as to: 1. The selection of the route. 2. Progress of the work. 3. The selection or reservation of land. 4. The payment of moneys. 5. The laying out of branches. 6. The progress thereon. 7. The rates of tolls for passengers and freight. 8. The particulars required by the Consolidated Railway Act and amendments thereto, up to the end of the previous fiscal year. 9. Like particulars up to the latest practicable date before the presentation of the Return. 10. Copies of all Orders in Council and of all correspondence between the Government and the Railway Company, or any member or officer of either, relating to the affairs of the company. Presented to the House of Commons, 5th May, 1885, by Hon. J. H. Pope.....*Not printed.*

**25cc.** Letter and statements from George Stephen, Esq., President of the Canadian Pacific Railway Company, to the Hon. the Minister of Railways and Canals, accompanied by Mr. Miall's condensed balance sheet on the affairs of the Canadian Pacific Railway Company on the 1st January, 1885. Presented to the House of Commons, 7th May, 1885.—*Sir J. A. Macdonald*.....*Printed for both Distribution and Sessional Papers.*

- 25dd.** Return to an Order of the House of Commons, dated 6th February, 1885, for a Return of the names of persons in the employ of the Government along the line of the Canadian Pacific Railway during the year 1884, the date of their engagement, the length of time employed, the work assigned them and the salary, fee or allowance paid; also the amount of travelling expenses paid to each. Presented to the House of Commons, 8th May, 1885.—*Mr. McMullen*.....*Not printed.*
- 25ee.** Supplementary Return to an Order of the House of Commons, dated 2nd March, 1885, for copies of all applications, statements, estimates or letters sent from the Canadian Pacific Railway to the Government or any of its officials, in relation to the change made by the Government between 7th April, 1884, and 16th May, 1884, in the dealing with rolling stock, in progress estimates and payments in the Eastern Section, Western Division, and copies of all correspondence and papers upon the same subject. Presented to the House of Commons, 16th May, 1885.—*Mr. Edgar*.....*Not printed.*
- 25ff.** Return to an Order of the House of Commons, dated 2nd March, 1885, for copies of all the estimates, in detail, furnished to the Government by the Canadian Pacific Railway Company, and by the Government engineer, upon which the estimated cost of \$23,000 per mile was based for the portion of the Eastern Section from the 100th mile to the 120th mile west of Callander, giving quantities, classification and prices; also for a statement of the actual quantities, description and classification of the work from the 100th mile to the 120th mile west of Callander on the 12th August, 1884, when the subsidy and loan were paid by the Government as a completed line. Presented to the House of Commons, 16th May, 1885.—*Mr. Edgar*.....*Not printed.*
- 25gg.** Return to an Order of the House of Commons, dated 2nd March, 1885, for copies of the report of survey by Vernon Smith, C.E., in relation to the extension of the Canadian Pacific Railway to Canadian ports on the Atlantic. Presented to the House of Commons, 16th May, 1885.—*Mr. Lesage*.....*Not printed.*
- 25hh.** Return to an Address of the House of Commons, dated 12th March, 1885, for copy of all offers made to the Government for the construction of a railway connecting the Ontario railway system, at or near to Gravenhurst, with the Canadian Pacific Railway. Presented to the House of Commons, 9th June, 1885.—*Mr. Mulock*.....*Printed for Sessional Papers only.*
- 25ii.** Return to an Address of the House of Commons, dated 12th February, 1885, for a Return showing the amounts contributed to the Canada Central Railway between Ottawa and Brockville, either by the Government of Canada, the Provincial Government of Ontario, or by the municipalities along that line of railway. Also showing what securities were taken for the amounts so advanced to the said railway company, and what disposition has been made of the said securities. Also for similar returns concerning the St. Lawrence and Ottawa Railway from Ottawa to Prescott, together with the conditions upon which such grants were made to both railways; also statement showing the present train service on both lines of railway. Presented to the House of Commons, 9th June, 1885.—*Mr. Landerkin*.....*Not printed.*
- 25jj.** Supplementary Return to an Order of the House of Commons, dated 5th February, 1885, for map or maps showing: 1. The location of the Canadian Pacific Railway, so far as approved of or constructed. 2. Its location, so far as proposed to Government, but not yet approved. 3. The location of any branches constructed or acquired, and of any now contemplated by the company, so far as the Government is advised. 4. The lands set apart for the company, but not yet granted. 5. The lands granted. 6. The lands applied for, but not yet set apart. Presented to the House of Commons, 11th June, 1885.—*Mr. Blake*.....*Not printed.*
- 25kk.** Return to an Address of the House of Commons, dated 12th March, 1885, for a copy of all correspondence between the Government of Quebec and the Government of Canada concerning the application of the sum of \$960,000 reserved by the statute 47 Victoria, chapter 8, for the extension of the Canadian Pacific Railway from its terminus at St. Martin's Junction to the Harbor of Quebec. Presented to the House of Commons, 15th June, 1885.—*Mr. Laurier*—*Printed for Sessional Papers only.*
- 25ll.** Return to an Address of the House of Commons, dated 9th February, 1885, for a statement showing the gross earnings, expenses and net earnings of the Canadian Pacific Railway for each month of the years 1883 and 1884, distinguishing between the main line and the lines now



worked under the lease from the Ontario and Quebec Railway Company; and distinguishing also between the main line east of Port Arthur or Fort William and the main line west of that point, giving in each case the mileage open for traffic during the month specified. Presented to the House of Commons, 16th June, 1885.—*Mr. Blake.....Printed for Sessional Papers only.*

**25mm.** Return to an Address of the House of Commons, dated 12th February, 1885, for a statement showing: 1. The expenditure by the Canadian Pacific Railway Company upon its main line of railway between Callander and Port Arthur and between Selkirk and Kamloops, since the expenditure of \$23,078,950, shown by the letter of Mr. Stephen to the Minister of Railways and Canals on the 15th January, 1884. 2. The materials on hand in respect of the described main line of railway. 3. The receipts by the company since the account given in the said letter in respect of—(a.) Cash subsidy; (b.) Government loan; (c.) Land grant bonds or land sales, or from the pledging of land grant bonds. 4. The amount, if any, due by the company in respect of construction of the described main line. 5. Estimates of the cost of the work of construction remaining to be done on the described main line, showing whether the materials on hand are taken into account in such estimates or not. 6. An estimate of the whole cost of construction of the described main line when completed. 7. Statement of the cost of equipment of the described main line at the date of the account in Mr. Stephen's letter. 8. Statement of the cost of equipment of the described main line since that date. 9. Estimate of the further cost of equipment of the described main line when completed. 10. Estimate of the complete cost of equipping the described main line. All such statements and estimates being separate for each of the described divisions, viz., (a) that between Callander and Port Arthur, and (b) that between Selkirk and Kamloops. Presented to the House of Commons, 16th June, 1885.—*Mr. Blake.....Printed for Sessional Papers only.*

**25nn.** Return to an Address of the House of Commons, dated 24th February, 1885, for a statement of the cost of the Canadian Pacific Railway from Winnipeg to a point 615 miles west of Winnipeg, divided under the usual sub-headings of cost of railway construction; or in case the company has not recorded the expense under the usual sub-headings, then divided in such a way and in such detail as the company has recorded it. Presented to the House of Commons, 16th June, 1885.—*Mr. Blake.....Printed for Sessional Papers only.*

**25oo.** Return to an Address of the House of Commons, dated 8th April, 1885, for a Return showing the date of completion of the main line of the Canadian Pacific Railway from Winnipeg to Brandon, from Brandon to Moose Jaw, from Moose Jaw to Calgary, the dates on which each section was opened for traffic, the dates on which such section was inspected by the Government engineer, with all Orders in Council, papers and correspondence affecting the tariff rates for passengers and freight upon such line, not already brought down. Presented to the House of Commons, 15th June, 1885.—*Mr. Watson.....Not printed.*

**25pp.** Return to an Address of the Senate, dated 25th February, 1885, for all correspondence had since the 1st January, 1884, between the Government of Canada and the Government of the Province of Quebec, concerning all sums of money granted by the Government of Canada to the Province of Quebec, and all claims of the Province of Quebec, by way of indemnity on account of the construction of the North Shore Railway, heretofore called the Quebec, Montreal, Ottawa and Occidental Railway, together with a copy of all memorials presented to the Federal Government during the same period by the Government of Quebec, respecting all claims or demands of indemnity for the same cause. Presented to the Senate, 16th April, 1885.—*Hon. Mr. Trudel.....Printed for Sessional Papers only.*

**25qq.** Return to an Order of the House of Commons, dated 13th February, 1885, for a statement showing: 1. The total number of permanent timber trestles and the total number of wooden bridges constructed, or under contract for construction, upon the line of the Canadian Pacific Railway. 2. The length, in feet, and the maximum height of each of said trestles and of each of said bridges. Such statement to identify the trestles and bridges by numbering them consecutively from Sudbury westward. Presented to the House of Commons, 14th July, 1885.—*Mr. Edgar.....Not printed.*

**25rr.** Return to an Address of the House of Commons, dated 17th February, 1885, for: 1. A statement of the present position of the debt of six hundred thousand dollars, due last Session

by the North American Contracting Company to the Canadian Pacific Railway, with information as to whether the same has been settled, and if so, when and upon what terms, and if unsettled, what steps have been taken, or are being taken, to procure a settlement; also a statement of the present position of a sum of about six hundred thousand dollars invested by the Canadian Pacific Railway Company in stock of the Canada North-West Land Company, with a statement of its value, at the average price for the month of January, 1885. 2. Also plan and statement showing the grades and curves on the line of the Canadian Pacific Railway as far as constructed, including all the Government sections, but exclusive of the line constructed by the company from the foot of the Rocky Mountains to Kamloops. 3. Also a copy of the prospectus, advertisement and other papers in connection with the recent proposal for the issue of bonds of the Ontario and Quebec Railway Company, guaranteed by the Canadian Pacific Railway Company, with a statement of the amount sold and the average rate. 4. Also an estimate of the cost of the Canadian Pacific Railway between Callander and Port Arthur, divided under the usual heads of sub-divisions in railway construction, with separate estimate for equipment. 5. Also a like estimate, in similar form, of the cost of the construction of the Canadian Pacific Railway between Calgary and the summit of the Rocky Mountains, and from the summit of the Rocky Mountains to the junction with the Government section, each separately, with a statement of the items in which a saving of four million dollars upon the estimate of last Session is calculated by the officers of the company. 6. Also a statement of the expenditure by the Canadian Pacific Railway Company on any account, except the construction and equipment of the contracted line between Callander and Port Arthur, and between Selkirk and Kamloops. Presented to the House of Commons, 14th July, 1885.—*Mr. Blake*.....*Not printed.*

**25ss.** Return to an Address of the House of Commons, dated 17th February, 1885, for: 1. A statement of the expenditure of the Canadian Pacific Railway Company since the account in Mr. Stephen's letter to the Minister of Railways and Canals, 15th January, 1884, upon branch lines, specifying each line, the expenditure thereon, the purpose thereof, and the additional mileage beyond 269 miles completed at the date of Mr. Stephen's letter. 2. Statement of the cost of equipment of such branch lines; (a.) At the date of said letter; (b.) Since that time. 3. Estimate for any further cost of equipment for such branch lines so far as completed. 4. Statement in detail of the further sums paid in respect of the extensions or branches east of Callander, since the date of said letter, when they amounted to \$3,203,050. 5. A statement of the present condition of the account for advances towards acquiring a line to the seaboard, and for other purposes, alleged to be within the charter, shown by the said letter at \$3,482,251; with a detail of any further payments of a like character. Presented to the House of Commons, 18th July, 1885.—*Mr. Blake*.....*Not printed.*

**25tt.** Return to an Address of the House of Commons, dated 17th February, 1885, for copies of all correspondence and agreements between the Government and the Canadian Pacific Railway Company on the subject of immigration to Manitoba and the North-West, together with a statement showing the amount expended by the company in promoting such immigration, giving amounts paid, with dates, to whom paid, and the nature of service rendered; also estimate of the company of number of persons from foreign countries who have actually settled there in each year since date of charter. Presented to the House of Commons, 18th July, 1885.—*Mr. Paterson (Brant)*.....*Not printed.*

**25uu.** Supplementary Return to an Address of the House of Commons, dated 17th February, 1885, for: 1. A statement of the present position of the debt of six hundred thousand dollars due last Session by the North American Contracting Company to the Canadian Pacific Railway, with information as to whether the same has been settled, and, if so, when and upon what terms, and if unsettled, what steps have been taken, or are being taken, to procure a settlement; also a statement of the present position of a sum of about six hundred thousand dollars invested by the Canadian Pacific Railway Company in stock of the Canada North-West Land Company, with a statement of its value at the average price for the month of January, 1885. 2. Also plan and statement showing the grades and curves on the line of the Canadian Pacific Railway as far as constructed, including all the Government sections, but exclusive of the line constructed by the company from the foot of the Rocky Mountains to Kamloops. Presented to the House of Commons, 20th July, 1885.—*Mr. Blake*.....*Not printed.*



- 26.** Return to an Order of the House of Commons, dated 2nd February, 1885, for a Return of the receipts and expenditure, in detail, chargeable to the Consolidated Fund, from the 1st July, 1883, to the 31st January, 1884, and from 1st July, 1884, to 31st January, 1885. Presented to the House of Commons, 9th February, 1885.—*Sir Richard Cartwright*—

*Printed for Distribution only.*

- 27.** Return to an Order of the House of Commons, dated 2nd February, 1885, for a statement showing the amount of money on deposit to the credit of the Government of Canada on the 1st February, 1885, whether in Canada or elsewhere, together with the names of the banks wherein the said moneys are deposited, with the amount in each bank respectively; also the amount at interest and the rate of interest allowed on the said deposits in each case. Presented to the House of Commons, 9th February, 1885.—*Sir Richard Cartwright*—

*Printed for Distribution only.*

- 28.** Return to an Address of the House of Commons, dated 30th January, 1884, for copies of all Orders in Council, despatches, correspondence and telegrams relating to the negotiations between Canada and British Columbia, not already brought down; and for a statement of the estimated net cost to Canada of the dry dock in British Columbia. Presented to the House of Commons, 10th February, 1885.—*Mr. Blake*.....*Not printed.*

- 29.** Return (*in part*) to an Address of the House of Commons, dated 24th January, 1884, for copies of all Orders in Council, reports and correspondence, not already brought down, in reference to the exercise or non-exercise of the power of disallowance as to any Provincial Acts; with a statement of the dates of prorogation of each of the Provincial Assemblies; and of the dates at which the Acts of the Session were received at Ottawa; and copy of the despatches addressed to the Lieutenant-Governors on the subject of the transmission to the Government of Canada of such Acts. Presented to the House of Commons, 10th February, 1885.—*Mr. Mulock*.....*Printed for Sessional Papers only.*

- 30.** Return to an Order of the House of Commons, dated 25th February, 1884, for a detailed statement of all moneys expended upon the Dominion steamer "Sir James Douglas," in connection with the hauling out, lengthening of, repairs to, and launching of said vessel, from 1st January, 1882, to 31st December, 1883. Presented to the House of Commons, 10th February, 1885.—*Mr. Baker (Victoria)*.....*Not printed.*

- 30a.** Return to an Order of the House of Commons, dated 25th February, 1884, for a statement showing numbers of officers and crew of steamer "Sir James Douglas," their names, rank, pay and date of first appointment, the average cost per month of maintaining said vessel for the twelve months ending 31st December, 1883, nature of service in which she has been engaged for the period mentioned, increased speed obtained by lengthening, date on which she was last swung for adjustment of compasses and copy of deviation table made therefrom. Presented to the House of Commons, 10th February, 1885.—*Mr. Baker (Victoria)*.....*Not printed.*

- 30b.** Return to an Order of the House of Commons, dated 28th March, 1884, for all correspondence of a date subsequent to 1st January, 1883, upon the subjects of repairs to, hauling out, and launching of the steamer "Sir James Douglas," in the early part of said year, between the Department of Marine and Fisheries and their agents at Victoria, B.C., or between the Department and any other person or persons, in the Province of British Columbia, upon said subject; also copies of reports sent in to the Department by the agent of the Department in British Columbia, and the master of the steamer above referred to, in connection with the serious and unpleasant difference of opinion which arose between them, reflecting discreditably upon themselves and the Department. Also all correspondence upon that or any other subject between the Department and any British Columbia member or other person, in any way reflecting upon the agent of the Department in British Columbia, to date. Presented to the House of Commons, 10th February, 1885.—*Mr. Baker (Victoria)*.....*Not printed. See 30d.*

- 30c.** Return to an Address of the Senate, dated 9th April, 1884, for copies of all documents and correspondence in possession of the Government relating to the establishment of a line of steamships between France and Canada. Presented to the Senate, 24th February, 1885. *Hon. Mr. Pelletier*.....*Printed for Sessional Papers only.*

- 30d.** Return to an Order of the House of Commons, dated 28th March, 1884, for all correspondence of a date subsequent to 1st January, 1883, upon the subject of repairs to, hauling out and launching of the steamer "Sir James Douglas," in the early part of said year, between the Department of Marine and Fisheries and their agent at Victoria, B.C., and between the Department and any other person or persons in the Province of British Columbia, upon said subject; also copies of reports sent in to the Department by the agent in British Columbia, and the master of the steamer referred to, in connection with the serious and unpleasant difference of opinion which arose between them, reflecting discreditably upon themselves and the Department; also all correspondence upon that or any other subject between the Department and any British Columbia member or other person, in any way reflecting on the agent of the Department in British Columbia, to date. Presented to the House of Commons, 14th April, 1885.—*Mr. Baker (Victoria)*.....*Printed for Distribution only.*
- 30e.** Return to an Order of the House of Commons, dated 24th February, 1885, for copies in full of the accounts and vouchers of all provisions, coal and other supplies furnished the Hudson Bay steamer "Neptune" at Halifax, in July last, and copies of all the tenders upon which all the contracts were based. Presented to the House of Commons, 14th April, 1885.—*Mr. Vail*.....*Not printed.*
- 30f.** Return to an Address of the House of Commons, dated 23rd February, 1885, for copies of all reports, correspondence, contracts, Orders in Council and other papers, in connection with the arrangements under which public moneys have been paid by the Government to the Halifax Steam Navigation Company. Presented to the House of Commons, 30th April, 1885.—*Mr. Blake*.....*Not printed.*
- 31.** Return to an Address of the House of Commons, dated 28th March, 1884, for a statement showing the present constitution of the North-West Council, the number of elected members, the district for which they are elected, the number of votes polled, the names of the candidates, and the qualifications required of the voters. Presented to the House of Commons, 19th February, 1885.—*Mr. Mills*.....*Printed for both Distribution and Sessional Papers.*
- 32.** Return to an Address of the House of Commons, dated 28th March, 1884, for a statement of all moneys paid by the Dominion Government to the Local Government of Ontario since Confederation; stating the amounts in each year and stating on what account. Presented to the House of Commons, 10th February, 1885.—*Mr. Farrow*.....*Printed for Distribution only.*
- 33.** Return to an Order of the House of Commons, dated 28th March, 1884, for: 1. Correspondence, papers, draft, notarial transfer and telegram respecting Survey Contract No. 10, of L. J. E. Garon, of the season of 1881, by which Joseph Adhemar Martin, merchant, of Rimouski, has received the sum of \$800. 2. Correspondence, papers, draft, notarial transfer and telegram, between the Minister of the Interior and the said Joseph Adhemar Martin, concerning the balance remaining due on the said transfer of the said Survey Contract No. 10, of L. J. E. Garon, of the said season of 1881. Presented to the House of Commons, 19th February, 1885.—*Mr. Billy*.....*Not printed.*
- 34.** Return to an Address of the House of Commons, dated 7th February, 1884 for copies of all correspondence between the several Provincial Governments and the Dominion Government, respecting the readjustment or increase of the money subsidies paid, or to be paid, by the latter to the former, in pursuance of the confederation agreement, or of any other arrangements since made. Also copies of all petitions from the several Provincial Legislatures to the Government, or to the Parliament of Canada, and of any memorials received by the latter from the several Provincial Governments, asking for aid or assistance in money or otherwise. Also statement showing all that has been granted in money, or otherwise, by the Government of Canada to the several provinces since 1867. Presented to the House of Commons, 10th February, 1885.—*Mr. Ouimet*.....*Printed for Sessional Papers only.*
- 34a.** Return to an Address of the House of Commons, dated 5th February, 1885, to His Excellency the Governor General, praying that he will cause to be laid before the House any correspond-



ence or papers touching applications by Local Governments for advances of money on debt account, and for any papers throwing light on the reasons for the pending Bill on that subject. Presented to the House of Commons, 27th February, 1885.—*Mr. Blake—*

*Printed for Sessional Papers only.*

- 34b.** Return to an Address of the House of Commons, dated 2nd March, 1885, for copies of all correspondence since 1st January last, between the Dominion Government and the Government of the Province of Quebec, in relation to an increase or readjustment of the Dominion subsidy to the province, including any letter written to that end by one of the said Governments to the other, or by any of the Ministers thereof in relation to the subject; also of any such correspondence with any of the other Provinces of the Dominion. Presented to the House of Commons, 23rd April, 1885.—*Mr. Amyot.....**Printed for Sessional Papers only.*

- 35.** Return to an Order of the House of Commons, dated 1st February, 1884, for copies of all correspondence and papers relating to any proposed or suggested reduction in letter postage in the Dominion of Canada. Presented to the House of Commons, 10th February, 1885.—*Mr. Charlton.....**Not printed.*

- 36.** Return to an Order of the House of Commons, dated 11th February, 1884, for copies of all correspondence or complaints to the Postmaster-General, relative to delays or neglect of postmasters in transmitting newspapers and periodicals to the office of destination, since 1st January, 1883. Presented to the House of Commons, 10th February, 1885.—*Mr. Sproule—*  
*Not printed.*

- 37.** Reports relative to the manufacturing industries in existence in Canada, submitted to the House of Commons for its information. Presented to the House of Commons, 11th February, 1885, by Sir Leonard Tilley .....*Printed for both Distribution and Sessional Papers.*

- 37a.** Return to an Address of the House of Commons, dated 6th February, 1885, for copy of the commission or other authorization, Order in Council, correspondence and instructions in relation to the commission issued for the investigation of certain facts as to the condition of the industries of Canada during the last recess. Copy of the report of the commissioners, and the evidence and data obtained by them. Statement in detail of all moneys paid in respect of the commission, and an estimate in detail of all moneys payable, but as yet unpaid; dated 11th February, 1885. Presented to the House of Commons, 12th February, 1885. *Mr. Blake—*  
*Printed for both Distribution and Sessional Papers.*

- 37b.** Return to an Order of the House of Commons, dated 4th February, 1885, for all returns, statements or correspondence in possession of the Government, showing the number of operatives employed in factories in the Dominion in 1878 and in 1884, together with the amount of capital invested and wages paid. Presented to the House of Commons, 16th February, 1885.—*Sir Richard Cartwright.....**Not printed.*

## CONTENTS OF VOLUME No. 11.

- 38.** Return to an Order of the House of Commons, dated 5th February, 1885, for copies of all correspondence relative to any payments, claims or allowances on any account whatever, in respect to the office of High Commissioner, not already brought down; and separate statement in detail, with dates and sums of all payments made on any such accounts in respect to the office, during its tenure by the present incumbent; an estimate in detail of all sums payable on any such accounts up to this date and yet unpaid; also copies of all correspondence not yet brought down, as to the letting or purchase of a residence for the High Commissioner, and as to the repairs and furnishing thereof, with copies of all accounts in connection with the same; a statement in detail of all sums paid in respect of such letting or purchase, or furnishing or repairs; and an estimate of all sums payable, but not yet paid, in respect thereof. Presented to the House of Commons, 12th February, 1885.—*Mr. Blake.....**Not printed.*

- 38a.** Return to an Address of the House of Commons, dated 2nd March, 1884, for a copy of all correspondence between this Government and the High Commissioner in England or the representatives of the Belgian Government in this country, or from the Belgian authorities at home,

or any other correspondence and papers concerning the International Exhibition in Antwerp; and also copies of the existing tariff between Belgium and England. Presented to the House of Commons, 12th March, 1885.—*Messrs. Bergeron and Amyot*..... *Not printed.*

**38b.** Return to an Address of the House of Commons, dated 23rd February, 1885, for a copy of any further commission or Order in Council, or correspondence touching the position or salary of the High Commissioner of Canada, not already brought down. Presented to the House of Commons, 13th March, 1885.—*Mr. Blake*..... *Printed for Sessional Papers only.*

**38c.** Return to an Order of the House of Commons, dated 23rd February, 1885, for a Return showing amount paid out on account of High Commissioner to London since the creation of the office; showing separately the amount paid on account of residence, furniture and all fittings and additions thereto, and amount of salary paid to 1st January, 1885, and all items or allowances on account of taxes, light, fuel, travelling and other expenses, including salaries of private secretary and other servants or attendants, each item separately set out up to 1st January, 1885. Presented to the House of Commons, 7th April, 1885.—*Mr. McMullen*—  
*Printed for Sessional Papers only.*

**39.** Return to an Address of the House of Commons, dated 4th February, 1885, for copy of all correspondence between the Government of Canada and the several Governments of the Australian and Tasmanian colonies, or anyone acting on their behalf, in relation to the establishing of a more direct communication and extension of trade between these colonies and Canada; also all correspondence between the Government of Canada and the British Government on the same subject. Presented to the House of Commons, 12th February, 1885.—*Mr. Mitchell*..... *Not printed.*

**40.** Report of the operations and money expended, since the report of last Session, for the year 1884, with respect to the Census of 1881, in accordance with the provisions of section 25 of the Census and Statistics Act; also relating to mortuary statistics. Presented to the House of Commons, 12th February, 1885, by *Hon. J. H. Pope*..... *Not printed.*

**40a.** A form of Census Return for the year 1885. Presented to the House of Commons, 13th February, 1885, by *Hon. J. H. Pope*..... *Not printed.*

**41.** Return to an Order of the House of Commons, dated 4th February, 1885, for amount of sums advanced to the Government of the Dominion by way of loan by any banks or persons in Canada or England, as appearing on the 1st February, 1885. Presented to the House of Commons, 13th February, 1885.—*Sir Richard Cartwright*—  
*Printed for both Distribution and Sessional Papers.*

**41a.** Return to an Order of the House of Commons, dated 4th February, 1885, for a Return giving names of all newspapers in which the loans of 1874, 1875, 1876, 1878 and 1884 were advertised, together with statement of length of time during which the said advertisements appeared. Presented to the House of Commons, 16th February, 1885.—*Sir Richard Cartwright*—  
*Not printed.*

**41b.** Return to an Address of the House of Commons, dated 4th February, 1885, for copy of the prospectus of the loan recently issued in London; also a statement showing the amounts of the commission and other charges paid thereon, and to whom paid, together with the amount of the said loan subscribed for by the financial agents of the Dominion, or by the Bank of Montreal, with the dates of the said subscriptions, and copies of all Orders in Council connected with the said loan. Presented to the House of Commons, 16th February, 1885.—*Sir Richard Cartwright*..... *Printed for both Distribution and Sessional Papers.*

**42.** Return to an Order of the House of Commons, dated 6th February, 1885, for copies of all correspondence, memorials, petitions or other documents relating to the abolition of the duty on grain, flour and coal during 1884 and up to the present time. Presented to the House of Commons, 13th February, 1885.—*Mr. Cameron (Middlesex)*..... *Not printed.*

**42a.** Return to an Order of the House of Commons, dated 12th March, 1885, for a Return of the amount of duty collected on wheat, flour, cornmeal and corn, in the several ports of the Province of Nova Scotia, between the 30th June, 1884, and 31st December, 1884. Presented to the House of Commons, 18th March, 1885.—*Mr. Vail*..... *Not printed.*



- 42b.** Return to an Order of the House of Commons, dated 27th April, 1885, for: 1. Duties imposed on various articles in the old Province of Canada and duties now imposed. 2. Tariff in force in British Columbia and in Manitoba, respectively, at the time of Union. 3. Length of time such tariff continued in force after Union. Presented to the House of Commons, 15th June, 1885.—*Mr. Watson*.....*Not printed.*
- 42c.** Papers and telegrams respecting the Imperial Act for granting to Her Majesty certain duties on goods, wares and merchandise imported into this colony and its dependencies. Presented to the House of Commons, 11th July, 1885, by Hon. M. Bowell.....*Not printed.*
- 43.** Message from His Excellency the Governor General, transmitting to the House of Commons copies of all petitions, resolutions, correspondence and memorials on the matter of bankruptcy, which have been submitted to His Excellency in Council for consideration. Presented to the House of Commons, 13th February, 1885, by Sir John A. Macdonald.....*Not printed.*
- 44.** Return to an Address of the House of Commons, dated 9th February, 1885, for copy of memorial from the county council of Grey, praying for a refund of bonuses paid by municipalities of that county in aid of railways which are now used for Dominion purposes or tributary to such. Presented to the House of Commons, 13th February, 1885.—*Mr. Landerkin*—  
*Not printed.*
- 44a.** Return to an Address of the House of Commons, dated 18th March, 1885, for copies of petitions from the county council of the county of Elgin, presented to the Governor General in Council or the Minister of Railways and Canals, praying for a general measure of relief to municipalities of Ontario which have aided railways declared to be for Dominion purposes, by granting bonuses to them; and of all correspondence in reference to such petitions. Presented to the House of Commons, 8th April, 1885.—*Mr. Wilson*.....*Not printed.*
- 44b.** Return to an Address of the House of Commons, dated 16th March, 1885, for a copy of the memorial presented to the Government by the county council of the county of Simcoe, Ontario, praying for a refund of bonuses granted by the different municipalities of that county to railways that have been declared by this Parliament to be works for the general advantage of Canada, together with copies of all correspondence and other papers relating thereto. Presented to the House of Commons, 20th April, 1885.—*Mr. Cook*.....*Not printed.*
- 44c.** Return to an Address of the House of Commons, dated 27th April, 1885, for copies of the memorials presented to the Government by the delegates who waited on the Government in reference to the bonuses granted to railways declared to be for the general advantage of Canada. Presented to the House of Commons, 16th May, 1885.—*Mr. Watson*.....*Not printed.*
- 45.** Return to an Order of the House of Commons, dated 17th February, 1885, for a Return showing the quantity and value of wheat and flour imported into, and exported from the Dominion, by Provinces, during the six months ending 31st December, 1884—distinguishing, in the imports, the quantity entered for home consumption; and, in the exports, the product of Canada. Presented to the House of Commons, 24th February, 1885.—*Mr. Paterson (Brant)*...*Not printed.*
- 45a.** Return to an Order of the House of Commons, dated 6th February, 1885, for a Return showing the quantity of wheat, flour, corn and cornmeal imported into and exported from the various Provinces, from the 1st of July to the 31st December, 1884. Presented to the House of Commons, 24th February, 1885.—*Mr. Cameron (Middlesex)*.....*Not printed.*
- 46.** Return of the names and salaries, &c., of all persons appointed to or promoted in the Civil Service during the year ended the 31st December, 1884, specifying the office to which each has been appointed or promoted under the Canada Civil Service Act, 1882, section 55, sub-section 2. Presented to the House of Commons, 16th February, 1885, by Hon. J. A. Chapleau—  
*Printed for Sessional Papers only.*
- 46a.** Report of the proceedings of the Board of Examiners for the year 1884—presented to Parliament in terms of section 55 of the Canada Civil Service Act, 1882, 45-46 Victoria, chapters 4-7. Presented to the House of Commons, 16th February, 1885, by Hon. J. A. Chapleau—  
*Printed for both Distribution and Sessional Papers.*

- 46b.** Return to an Order of the House of Commons, dated 27th April, 1885, for a Return of all officers of the Civil Service, from the resident Dominion Government agent down to the messenger, in each and every Department (by Departments) in British Columbia, giving full Christian and surnames, their ages, present rank, pay, allowances, dates of appointment and promotion, made up to the 31st December, 1884, or nearest possible date. Presented to the House of Commons, 15th June, 1885.—*Mr. Baker (Victoria)*.....*Not printed.*
- 47.** Return to an Order of the House of Commons, dated 28th March, 1884, for copies of all correspondence, reports of engineers, with maps and plans, relating to the improvements required to be made in order to secure a better supply of water to the Rideau Canal, as well as to open up a large section of the country bordering on lakes in the counties of Frontenac and Addington. Presented to the House of Commons, 17th February, 1885.—*Mr. Bell*.....*Not printed.*
- 47a.** Return to an Order of the House of Commons, dated 28th March, 1884, for copies of all correspondence and reports of engineers, with maps and plans, relating to the extension of the Rideau Canal from the village of Morton to Charleston Lake and the village of Gananoque, in the county of Leeds. Presented to the House of Commons, 17th February, 1885.—*Mr. McDougald*.....*Not printed.*
- 48.** Return to an Order of the House of Commons, dated 2nd February, 1885, for all papers relating to the resignation of Capt. Ludger Bolduc, after the collision which occurred on the 20th May, 1884, between "La Canadienne" and the brig "Alliance," of Jersey; covering complaint, enquiry, report, &c., and all correspondence relating to the matter. Presented to the House of Commons, 17th February, 1885.—*Mr. Landry (Montmagny)*.....*Not printed.*
- 49.** Return to an Order of the House of Commons, dated 5th February, 1885, for a statement showing sums expended on capital account, from the 1st day of July, 1884, to the 1st day of February, 1885, and the purposes for which said sums were expended. Also for statement of the gross amount of the debt of the Dominion on the 1st day of February, 1885; and a statement of debts and assets to that date, as given in Public Accounts, pages 13 and 14. Presented to the House of Commons, 17th February, 1885.—*Sir Richard Cartwright*—  
*Printed for Distribution only.*
- 50.** Return to an Address of the House of Commons, dated 5th February, 1885, for a copy of the resignation of the Hon. Judge Meredith as Chief Justice of the Superior Court of the Province of Quebec, and of the correspondence which followed that resignation. Presented to the House of Commons, 17th February, 1885.—*Mr. Laurier*.....*Not printed.*
- 50b,** 1884. Return to an Address of the House of Commons, dated 25th January, 1884, for copies of all Orders in Council, correspondence and departmental orders, with reference to the granting, cancellation and suspension of licenses to cut timber on lands of the Indians near Fort William, on the Fort William reserve. Presented to the House of Commons, 8th April, 1884.—*Mr. Blake*.....*Printed for Distribution only.*
- 51.** Return to an Address of the House of Commons, dated 25th February, 1884, for: 1. A copy of all Orders in Council, departmental orders and correspondence, respecting the sale, lease or other disposal of the grist and saw mill owned by the Dominion and situate south of Calgary, North-West Territories, to whom disposed, when, at what price, and how paid or payable? 2. Statement showing the original costs thereof, the costs expended thereon, when the same was erected, including working expenses. 3. Statement showing the quantity of agricultural land or timber limits disposed of with said mill or mills, or to the person who purchased or obtained the same. 4. All applications for the purchase or leasing of said farm, lands and limits. 5. Statement of the machinery in said mill or mills, and the cost thereof. 6. All other correspondence in respect to said mill or mills, land and limits. Presented to the House of Commons, 17th February, 1885.—*Mr. Cameron (Huron)*.....*Not printed.*
- 52.** Return to an Order of the House of Commons, dated 28th March, 1884, for all correspondence between the Hon. P. Mitchell and the Minister of the Interior, in relation to a timber limit or limits on Jack Head River, with the plans submitted in connection therewith; also in relation to timber limits on the Lake of the Woods. Presented to the House of Commons, 19th February, 1885.—*Mr. Mitchell*.....*Not printed.*



**52a.** Return to an Order of the House of Commons, dated 30th January, 1884, for a Return showing: 1. The total number of timber licenses or permits applied for and granted or refused, since 1st February, 1883; the estimated area covered by each license or application, and the total number of square miles estimated to be covered by the timber licenses issued during the period named. 2. The amount of bonuses or premiums per square mile, and on the aggregate, paid to and received by the Government on each such license, and the total amount of bonuses or premiums received. 3. The name and residence of each applicant for a license. 4. The date of application for each license and the number of years each license is granted for. 5. The Crown dues or stumpage charged or chargeable on each license, and the kind and estimated quantity and quality of timber on each area so licensed. 6. Whether in each case, where a license or permit was granted, the berth was put up at public auction, after public notice inviting tenders was given, and was sold to the highest bidder, or whether granted upon application or tender from the grantee without inviting public competition. 7. Copies of all claims made on the Government for any such area or timber by any persons, and all petitions, remonstrances or communications sent or made to the Government respecting such areas, licenses or timber, and copies of all correspondence had with the Government respecting such claims, or in any way respecting such areas, lands, licenses or timber, and the action of the Government therein; also a copy of all maps and plans showing the location or areas of such licenses or permits. Presented to the House of Commons, 19th February, 1885.  
—*Mr. Charlton*.....*Not printed.*

**52b.** Return to an Order of the House of Commons, dated 23rd February, 1885, for a Return showing: 1. The total number of applications made, and not granted, for licenses or permits to cut timber, saw-logs, cordwood, ties and poles, within the territory lately in dispute between the Province of Manitoba and Ontario. 2. The date of each rejected application and the name and residence of each applicant. 3. The geographical location of the area applied for and not granted. 4. The offer of bonus, and of Crown dues or stumpage, in each or any case accompanying such application. 5. The reason assigned for refusal in the case of each of such rejected applications. Presented to the House of Commons, 23rd April, 1885.—*Mr. Blake*—  
*Printed for Sessional Papers only.*

**52c.** Return to an Order of the House of Commons, dated 23rd February, 1885, for a Return showing: 1. The total number of timber licenses and permits to cut timber, sawlogs, cordwood, ties or poles, on lands not within the disputed territory, applied for and refused since 1st February, 1883. 2. The date of each rejected application, and the name and residence of each applicant. 3. The geographical location of the area applied for and not granted, and the area of the same. 4. The offer of bonus, and Crown dues or stumpage in each or any case accompanying such application. 5. The reason assigned for refusal in the case of each of such rejected applications. Presented to the House of Commons, 23rd April, 1885.—*Mr. Blake*—  
*Printed for Sessional Papers only.*

**52d.** Return to an Order of the House of Commons, dated 9th February, 1885, for copies of all correspondence and regulations, not already brought down, respecting timber for settlers' fuel, applicable to the neighborhood of Moosomin, N.W.T. For all correspondence as to the demands made during the winter of 1882-83 by the Mounted Police, of twenty-five cents a load for settlers' firewood. For all correspondence concerning the demand made by a sub-agent of Mr. Stephenson during the winter of 1883-84, for fifty cents for a permit, in addition to the charge of twenty-five cents a cord. For all correspondence as to the demands made during the winter of 1884-85, including the demands of the present sub-agent, of twenty-five cents for affidavits as to how much wood each settler had burned since he first came to the locality; and for all letters and instructions from the Department or from the Winnipeg office upon these subjects. Presented to the House of Commons, 5th May, 1885.—*Mr. Blake*—  
*Printed for Sessional Papers only.*

**52e.** Return to an Address of the House of Commons, dated 23rd February, 1885, for copies of all permits, liberties or other papers given to any person or persons to cut timber in any part of the territory declared by the Order of the Queen in Council to be within the Province of Ontario; and of all Orders in Council, departmental regulations or orders relating to the matter. Presented to the House of Commons, 15th July, 1885.—*Mr. Mills*.....*Not printed.*

- 52f.** Return to an Order of the House of Commons, dated 16th February, 1885, for copies of all permits, licenses or liberties given to any person or persons to cut timber in any part of the territory declared by the Order of the Queen in Council to be within the Province of Ontario. Also the name or names of the person or persons obtaining such permission, the extent of territory embraced, the amount received by the Government, and the amount, if any, still unpaid by the party or parties for such permission. Presented to the House of Commons, 15th July, 1885.—*Mr. Mills* ..... *Not printed.*
- 52g.** Return to an Order of the House of Commons, dated 23rd February, 1885, for a Return showing: 1. The total number of applications for timber licenses or berths in the Province of British Columbia, and within 50 miles of the line of the Canadian Pacific Railway; the date of such application; the place from which it was made; the name and address of the applicant; the area applied for and the geographical situation of the same; whether the application was rejected or granted, and, if rejected, the reasons assigned for the same. 2. The total number of applications for timber licenses or berths in the Province of British Columbia and transmitted to the Department of the Interior at Ottawa; the date of such application; the place from which it was made; the name and address of the applicant; the area applied for and the geographical situation of the same; whether the application was rejected or granted, and, if rejected, the reason assigned for the same. 3. A summary statement showing the number of licenses or permits granted either upon applications made at Ottawa or made at Victoria and transmitted to Ottawa, designating when the application was made, the date of the application, and the name and address of the grantee. 4. The geographical location of the area covered by each license or permit issued, and the number of square miles embraced in each, and the aggregate amount of the same. 5. The amount of bonuses or premiums received upon each and the aggregate amount of the same. 6. Full particulars as to the Crown dues or stumpage charged or chargeable upon each license or permit issued as to whether by percentage of values or specific charges. 7. A statement in case of each license or permit issued as to whether the Government had caused a survey to be made of the same and was in possession of estimates made by its own surveyors, woodsmen or bushrangers, as to the kinds, the quantity and the quality of timber upon each area covered by such license or permit. 8. Whether in each case where a license or permit was granted, the berth was put up at public auction, after due public notice was given inviting tenders, and was sold to the highest bidder, or whether granted upon application or tender from the grantee without inviting public competition. 9. In case of application by two or more parties for the same berth, and competition between them for the purchase of the same, the name and residence of each applicant and the particulars of the tender made by each. 10. Copies of all claims, petitions, remonstrances, letters or communications made to the Government respecting such permits or licenses applied for or granted, also a copy of all maps or plans showing the location and areas of such licenses or permits. 11. A minute of all assignments of such licenses or permits recorded with the Government, with the names and residence of the assignor and the assignee and the consideration in each case paid. Presented to the House of Commons, 15th July, 1885.—*Mr. Charlton*..... *Not printed.*
- 53.** Return to an Address of the House of Commons, dated 26th March, 1884, for copies of all documents, statements, &c., of a nature to afford the information asked for by the following questions:—Whether the Government has, by sale, grant, location or otherwise, disposed of the lands belonging to it in the county of Richelieu? If so, what are the lands; what is the extent of each lot; to whom was it disposed; what are the conditions of each such grant, location or sale; what are the prices paid in each case, and when and how were the amounts paid? Also of all documents relating to the subject matter of the said questions, and of those evidencing the said transactions. Presented to the House of Commons, 19th February, 1885.—*Mr. Amyot*—*Not printed.*
- 53a.** Return to an Order of the House of Commons, dated 17th February, 1885, for a list of all the unsold Indian lands in the township of Toronto, in the county of Peel. Presented to the House of Commons, 9th March, 1885.—*Mr. Pzerson (Brant)*..... *Not printed.*
- 53b.** Return to an Order of the House of Commons, dated 17th February, 1885, for a statement showing all properties, islands and other lands, whether built upon or not, belonging to the Dominion Government, and situated within the limits of the county of Richelieu, the names of



the parties occupying the said properties as tenants or otherwise; the time for which such properties are leased, the annual rent and the arrears due, if any, on each such property, up to the 1st January, 1885. Presented to the House of Commons, 9th March, 1885.—*Mr. Massue—*

*Not printed.*

**53c.** Return to an Order of the House of Commons, dated 23rd February, 1885, for a statement showing: 1. All sales of coal lands since 23rd April, 1883; the name and residence of each party to whom sales have been made; the number of acres sold to each; the price per acre received from each; the location of the land sold; the total number of acres sold, and the total amount received from such sales. 2. All leases of coal lands made since 23rd April, 1883; the name and residence of each lessee; the number of acres leased to each; the payments made by each; the location of each leasehold; the total number of acres leased; and the total sum derived from such leases, the considerations paid and royalties collected; and also from all other charges, if any. 3. Copies of all applications, correspondence, protests and written communications, in relation to coal lands sold or leased since 23rd April, 1883. Presented to the House of Commons, 31st March, 1885.—*Mr. Charlton.....Printed for Sessional Papers only.*

**53d.** Return to an Order of the House of Commons, dated 12th March, 1885, for a detailed list of all the unsold Indian lands in the township of Trafalgar, in the county of Halton. Presented to the House of Commons, 31st March, 1885.—*Mr. McCraney.....Not printed.*

**53e.** Return to an Order of the House of Commons, dated 18th March, 1885, for a return of all properties owned by the Government for military purposes in New Brunswick disposed of or leased, since the transfer from the Imperial Government; the parties to whom sold and at what price, and as to leased properties, to whom leased, for what period and at what rents. Presented to the House of Commons, 22nd April, 1885.—*Mr. Weldon.....Not printed.*

**53f.** Return to an Order of the House of Commons, dated 4th February, 1885, for a statement showing the several amounts collected by the Dominion Government for lands sold or leased; for timber, logs or staves, cordwood, telegraph poles or other product of the forest; with the names of persons making such payments, within the bounds and limits of the western part of Ontario, as determined by the decision of the Privy Council against the claim of the Dominion Government. Presented to the House of Commons, 23rd April, 1885.—*Mr. Mackenzie—*  
*Printed for Sessional Papers only.*

**53g.** Order in Council, of the 4th June, 1883, respecting allotment of lands of various colonization companies under the land regulations, and to accord to railway companies the privilege of purchasing land south of the 54th parallel of latitude, &c. Presented to the House of Commons, 29th April, 1885, by Sir John A. Macdonald.....*Not printed.*

**53h.** Return to an Order of the House of Commons, dated 23rd February, 1885, for a return giving copies of all regulations or orders issued by the Department of the Interior concerning the sale or management of agricultural lands, timber lands, pasture lands, mineral lands and town sites, since 26th February, 1884. Presented to the House of Commons, 5th May, 1885.—*Mr. Charlton.....Not printed.*

**53i.** Return to an Order of the House of Commons, dated 12th February, 1885, for copies of all correspondence and petitions of railway companies in Manitoba and the North-West, praying for grants of land, or modifications in the condition and extent of the grants of land already conceded to them; and of all Orders in Council or agreements or letters, not already brought down, affecting or in any wise relating to any railway company in Manitoba or the North-West other than the Canadian Pacific Railway Company. Presented to the House of Commons, 5th May, 1885.—*Mr. Blake.....Not printed.*

**53j.** Return to an Order of the House of Commons, dated 23rd February, 1885, for a return showing: 1. The names of grazing land lessees who have cattle upon their leaseholds, the number of acres in each leasehold, the date of the lease, the geographical position of the area covered by each lease, the number of the lease, the number of cattle reported on each leasehold, the date when the leasehold was first stocked with cattle, and the aggregate number of acres

covered by such leases. 2. The names of grazing land lessees who have not placed cattle upon their leaseholds; the number of acres in each leasehold; the geographical position of the area covered by each lease; the number of the lease and the aggregate number of acres covered by such leases. Presented to the House of Commons, 26th May, 1885.—*Mr. Charlton—*

*Printed for Sessional Papers only.*

**53k.** Return to an Address of the House of Commons, dated 11th March, 1885, for: 1. Copy of all Orders in Council or departmental orders respecting south-east  $\frac{1}{4}$ , section 2, township 10, range 19, west. 2. Copies of all claims made to said land, and the action of the Government thereon. 3. Copies of all petitions, papers and correspondence with the Government by one Joseph Bell and one J. E. Kavanagh, and all other persons, and all replies thereto, respecting said land. Presented to the House of Commons, 26th May, 1885.—*Mr. Cameron (Huron).....Not printed.*

**53l.** Copy of an Order in Council, under date the 4th June, 1883, respecting an area of land having been allotted to colonization companies under the land regulations, &c. Presented to the House of Commons, 12th June, 1885, by Sir Hector Langevin.....*Not printed.*

**53m.** Return to an Address of the House of Commons, dated 27th April, 1885, for copies of all Orders in Council, correspondence and papers, not already brought down, touching the surrender or definition of the claims of Canada upon any of the railway lands in British Columbia, or touching any change as to the relations of Canada and British Columbia in reference to such railway lands. Presented to the House of Commons, 14th July, 1885.—*Mr. Blake.....Not printed.*

**54.** Return to an Order of the House of Commons, dated 2nd February, 1885, for a statement showing: 1. The Christian and surnames of the present employés of the Immigration Office at Quebec, and the nature of their employment. 2. The amount of the yearly salary paid to each such employé on 31st December, 1884. 3. The amount of the yearly salary attached to the said offices on 31st December, 1877. Also all correspondence respecting the increase or non-increase of the salary of any employé of the said office between the two dates above named. Presented to the House of Commons, 20th February, 1885.—*Mr. Landry (Montmagny)—*

*Not printed.*

**54a.** Message transmitting the Report of the Royal Commission on Chinese Immigration, and the evidence taken thereon. Presented to the House of Commons, 25th February, 1885, by Hon. J. A. Chapleau.....*Printed for both Distribution and Sessional Papers.*

## CONTENTS OF VOLUME No. 12.

**54b.** Return to an Address of the House of Commons, dated 6th February, 1885, for a copy of the commission and the names of the commissioners appointed to proceed to British Columbia to enquire into and report upon the Chinese difficulty in that country. The date of the commissioners' engagement, the salary or other allowance paid them, and the amount of travelling and other expenses up to the 1st February, 1885. Presented to the House of Commons, 13th April, 1885.—*Mr. McMullen.....Not printed.*

**54c.** Return to an Address of the Senate, dated 26th March, 1885, to His Excellency the Governor General, praying that he will cause to be laid before this House a detailed statement of the expenditure incurred in connection with the recent visit of the Hon. the Secretary of State to British Columbia and California. Presented to the Senate, 13th April, 1885.—*Hon. Mr. Power.....Not printed.*

**55.** Return to an Address of the House of Commons, dated 28th February, 1883, for copies of all papers and correspondence relating to the change of mail service between Durham and Walkerton; also a statement showing the cost of the old and new service, and the comparative efficiency of each. Presented to the House of Commons, 23rd February, 1885.—*Mr. Landerkin.....Not printed.*

**55a.** Return to an Order of the House of Commons, dated 26th March, 1884, for copies of advertisement calling for tenders for carrying mails from Kamloops to Spencer's Bridge, B.C.,



dated 13th June, 1883; also copies of tenders received for such service; also copy of contract based on such tenders, and the hours of arrival and departure of mails from both places. Presented to the House of Commons, 23rd February, 1885.—*Mr. Mackenzie.....Not printed.*

**55b.** Return to an Order of the House of Commons, dated 30th January, 1884, for copies of any correspondence, memorial or other documents from the Board of Trade in the city of St. John, or other parties, in relation to the conveyance of mails on the night train on the St. John and Maine Railway to St. Stephen and Woodstock; also as to the conveyance of mails over the Grand Southern Railway to St. George. Presented to the House of Commons, 23rd February, 1885.—*Mr. Gillmor.....Not printed.*

**55c.** Return to an Order of the House of Commons, dated 3rd March, 1884, for copies of petitions and all correspondence between the Dominion Government and any person or persons, upon the subject of a daily mail service between Port Townsend, in Washington Territory, and Victoria, in the Province of British Columbia, being substituted for the semi-weekly service at present existing. Presented to the House of Commons, 23rd February, 1885.—*Mr. Baker (Victoria).....Not printed.*

**55d.** Return to an Order of the House of Commons, dated 14th February, 1884, for copies of all petitions, correspondence, returns and papers, of any nature whatsoever, respecting the establishing of a daily mail service in the parishes of St. Giles, St. Patrick and St. Sylvester, in the county of Lotbinière. Presented to the House of Commons, 23rd February, 1885.—*Mr. Rinfret.....Not printed.*

**55e.** Agreement made 15th day of May, 1884, between Andrew Allan, Esq., of the city of Montreal, in the Province of Quebec, in the Dominion of Canada, shipowner, and Hon. John Carling, Postmaster-General of the said Dominion; and an Order in Council in relation thereto, respecting the conveyance of mails. Presented to the House of Commons, 24th April, 1885, by Hon. J. Carling.....*Printed for Sessional Papers only.*

**55f.** Return to an Order of the House of Commons, dated 23rd February, 1885, for a statement in detail of the annual cost in connection with the ocean mail service, for salaries, allowances of mail clerks and conductors, or railway post office clerks in charge of the British mails; also for all correspondence as to the landing of the post office bags containing the British mails outward bound from Canada at Derry, and the saving of loss of time effected thereby. Presented to the House of Commons, 7th May, 1885.—*Mr. Blake.....Not printed.*

**55g.** Return to an Order of the House of Commons, dated 16th February, 1885, for a Return showing the nature of the mail service on the Canada Southern Railway between Essex Centre and Amherstburg; also the annual amount paid to the Canada Southern Railway for mail service. Presented to the House of Commons, 7th May, 1885.—*Mr. Wiglé.....Not printed.*

**56.** Return to an Order of the House of Commons, dated 28th March, 1884, for: 1. Copies of all correspondence and papers relating to certain charges or complaints made against J. E. Gaboury, Esquire, as postmaster of St. Césaire, and to his subsequent dismissal from the said office of postmaster. 2. A copy of the instructions given to the person who investigated the charges against said J. E. Gaboury, if any investigation took place, and a copy of the report made by such person. Presented to the House of Commons, 23rd February, 1885.—*Mr. Béchard.....Not printed.*

**57.** Return to an Order of the House of Commons, dated 12th February, 1885, for a statement of the receipts of the post office at St. Stephens, N.B., for the calendar year 1884; also a statement of the value of postage stamps sold at the said office. Presented to the House of Commons, 23rd February, 1885.—*Mr. Burpee (Sunbury).....Not printed.*

**57a.** Return to an Order of the House of Commons, dated 27th April, 1885, for a Return showing the postal revenue at Victoria, B.C., from all sources, specifying the amount from each source, month by month, for the eight months included in the period 1st July, 1884, to 28th February, 1885. Presented to the House of Commons, 5th May, 1885.—*Mr. Baker (Victoria).....Not printed.*

- 58.** Return to an Order of the House of Commons, dated 9th April, 1883, for copies of all letters, reports and other documents relating to any complaint preferred against Stephen G. Burpee, postmaster at Florenceville, N.B., since 1st January, 1879. Presented to the House of Commons, 23rd February, 1885.—*Mr. Irvine*.....*Not printed.*
- 59.** Return to an Order of the House of Commons, dated 4th February, 1885, for a return of all sugars imported at Halifax from Jamaica from the 1st of January, 1883, to the 31st of December, 1883; also a return of all sugars from Jamaica entered for the same term at Montreal, either direct or *viâ* Halifax, giving name of vessel, number of pounds landed, value for duty of each cargo, and rate of duty per 100 lbs. of each shipment. Presented to the House of Commons, 23rd February, 1885.—*Mr. Vail*.....*Not printed.*
- 59a.** Supplementary Return to an Order of the House of Commons, dated 13th March, 1885, for a Return of all sugars imported at Halifax from Jamaica, from the 1st January, 1883, to the 31st December, 1883; also a return of all sugars from Jamaica entered for the same term at Montreal, either direct or *viâ* Halifax, giving the name of vessel, number of pounds landed, value for duty of each cargo, and rate of duty per 100 lbs. of each shipment. Presented to the House of Commons, 13th March, 1885.—*Mr. Vail*.....*Not printed.*
- 60.** Return to an Order of the House of Commons, dated 2nd February, 1885, for a Return in the form used in the statement usually published in the *Gazette*, of the exports and imports from the 1st day of July, 1883, to the 1st day of January, 1884, and from the 1st day of July, 1884 to the 1st day of January, 1885, distinguishing the products of Canada and those of other countries. Presented to the House of Commons, 23rd February, 1885.—*Sir Richard Cartwright*.....*Printed for Distribution only.*
- 61.** The Governor General transmits to the House of Commons two approved Minutes in Council, dated respectively the 20th May, 1884, and the 23rd January, 1885, regarding the terms of the provisional settlement of the claims of the Province of Manitoba. Presented to the House of Commons, 23rd February, 1885, by Sir John A. Macdonald.—  
*Printed for both Distribution and Sessional Papers.*
- 62.** A detailed statement of all bonds and securities registered in the Department of the Secretary of State of Canada, under 31 Victoria, chapter 37, section 15. Presented to the House of Commons, 24th February, 1885, by Hon. J. A. Chapleau.....*Not printed.*
- 63.** Return to an Address of the House of Commons, dated 3rd February, 1885, to His Excellency the Governor General, praying that he will cause to be laid before the House copies of all correspondence between the Federal and Ontario Governments, and the Imperial Government, on the subject of the Imperial Act 21-22 Victoria, chapter 90, known as the British Medical Act, 1858; the Imperial Act 31-32 Victoria, chapter 29, known as the British Medical Amendment Act, 1868; the Imperial Act 41-42 Victoria, chapter 33, known as the Dentists Act, 1878; and the amendments proposed to be made thereto during the present Session of the Imperial Parliament. Presented to the House of Commons, 26th February, 1885.—*Mr. Bergin*—  
*Printed (condensed) for both Distribution and Sessional Papers.*
- 64.** Return to an Order of the House of Commons, dated 9th February, 1885, for a Return of all reports of Government engineers respecting the construction of a harbor of refuge at Port Stanley and Port Burwell, on the north shore of Lake Erie, together with the estimated cost of each. Presented to the House of Commons, 27th February, 1885.—*Mr. Wilson*.....*Not printed.*
- 64a.** Return to an Address of the House of Commons, dated 2nd March, 1885, for a copy of any memorials that may have been addressed to the Government with respect to the construction of a harbor of refuge at Port Rowan, in the Province of Ontario. Also for a copy of Richard Stevens' report made to the Department of Public Works on the same subject. Presented to the House of Commons, 8th April, 1885.—*Mr. Jackson*.....*Not printed.*
- 64b.** Supplementary Return to an Order of the House of Commons, dated 9th February, 1885, for a Return of all reports of Government engineers respecting the construction of a harbor of refuge at Port Stanley and Port Burwell, on the north shore of Lake Erie, together with the estimated cost of each. Presented to the House of Commons, 8th April, 1885.—*Mr. Wilson*—  
*Not printed.*



- 64c.** Return to an Order of the House of Commons, dated 16th February, 1885, for copies of all reports and communications made to the Government by the Port Credit Harbor Company; and all memorials, petitions, reports of engineers and correspondence in reference to the condition and state of repair of the said harbor. Presented to the House of Commons, 20th July, 1885.—*Mr. Platt*.....*Not printed.*
- 65.** Return to an Order of the House of Commons, dated 11th February, 1885, for copies of all reports and correspondence not already brought down, relating to the construction of the post office, Inland Revenue and Custom house at St. Thomas, giving the amount expended to date; also the names of all persons to whom any portion of the expenditure has been paid; together with the amount paid to each, and for what. Presented to the House of Commons, 27th February, 1885.—*Mr. Wilson*.....*Not printed.*
- 66.** Return to an Order of the House of Commons, dated 6th February, 1885, for a copy of the report made in 1884 by the chief engineer of the Department of Public Works, on the Church Point and Trout Cove piers. Presented to the House of Commons, 26th February, 1885.—*Mr. Vail*.....*Not printed.*
- 67.** Return to an Order of the House of Commons, dated 9th February, 1885, for copies of all correspondence, documents and reports of engineers relating to improvements of the entrance into McIsaac's Pond, Inverness, Nova Scotia. Presented to the House of Commons, 27th February, 1885.—*Mr. Cameron (Inverness)*.....*Not printed.*
- 68.** Return to an Order of the House of Commons, dated 17th February, 1885, for a statement of the amounts paid by the Government to Messrs. George and Andrew Holland, or any other persons, for services as official reporters of the Senate, or for the short-hand work of any kind outside of parliamentary reporting, since 1st January, 1882. Presented to the House of Commons, 16th March, 1885.—*Mr. Auger*.....*Not printed.*
- 69.** Return to an Order of the House of Commons, dated 6th February, 1885, for a Return showing the number of dredges, tugs and dumping scows built in the United States for the Government of Canada during the years 1883 and 1884, showing where they were built, giving the contractor's name, and the price paid for the same. Presented to the House of Commons, 27th February, 1885.—*Mr. Jackson*.....*Not printed.*
- 69a.** Return to an Order of the House of Commons, dated 8th April, 1885, for copies of all correspondence and contracts entered into relative to the purchases of tug-barges, dredge and machinery used on Red River; a detailed statement of the cost of the same, the time when the work of dredging was commenced and discontinued, the quantity of dredging completed and the depth of water drawn by the Government tug "Sir Hector." Presented to the House of Commons, 23rd April, 1885.—*Mr. Watson*.....*Not printed.*
- 70.** Return to an Order of the House of Commons, dated 9th February, 1885, for copies of departmental instructions and correspondence on the subject of apportionment of sea lots to individuals desiring to place lobster traps in the open sea off the coast of Prince Edward Island. Presented to the House of Commons, 27th February, 1885.—*Mr. Blake*—  
*Printed for Distribution only.*
- 71.** Return to an Order of the House of Commons, dated 17th February, 1885, for a statement of the amount expended in repairing the breakwater at Tracadie, Nova Scotia, from 30th June, 1884, to 31st January, 1885, giving the names of all persons to whom any portion of the expenditure has been paid, together with the amount paid to each, and for what. Presented to the House of Commons, 2nd March, 1885.—*Mr. McIsaac*.....*Not printed.*
- 71a.** Return to an Order of the House of Commons, dated 17th February, 1885, for a copy of the report made by the engineer since January, 1884, on the cost of erecting breakwaters at New Harbor and Indian Harbor, in the county of Guysboro', Nova Scotia, and also copy of report on White Haven boat canal. Presented to the House of Commons, 2nd March, 1885.—*Mr. Kirk*.....*Not printed.*
- 71b.** Return to an Order of the House of Commons, dated 9th February, 1885, for copies of all tenders for the construction of breakwater at Parrsboro' lighthouse station, in the county of

Cumberland, N.S.; copies of letter from Deputy Minister of Marine and Fisheries accepting the tender of one Neil McRay, and of telegram postponing the work; also all letters objecting to the said Neil McRay as contractor and to the bondsmen offered by him, and letters tendering other names as bondsmen if required, and all other correspondence on the subject. Presented to the House of Commons, 2nd March, 1885.—*Mr. Robertson (Shelburne)*.....*Not printed.*

**71c.** Return to Order, correspondence, reports of engineers and others, in reference to the construction of a breakwater at Salmon Point, together with lists of tenders and amount of each, and all other documents in the possession of the Government relative to the above mentioned work. Presented to the House of Commons, 23rd March, 1885.—*Mr. Platt*.....*Not printed.*

**72.** Return to an Order of the House of Commons, dated 12th February, 1885, for a statement for the last fiscal year of the cost connected with the heating of public buildings (including wages as well as fuel) now paid under a lump vote, such statement to show the costs under the same sub-headings as those in which it was formerly included in the Public Accounts before the change in the system. Presented to the House of Commons, 2nd March, 1885.—*Mr. Blake*.....*Printed for both Distribution and Sessional Papers.*

**73.** Return to an Order of the House of Commons, dated 6th February, 1885, for a statement showing the number of seizures made at each port of entry in the Dominion during the last fiscal year; also during the six months ending the 31st December last; the amount of fines exacted at each port during each of the said periods; and the manner in which the said fines were disposed of, giving the names of the officers receiving any portion thereof, and the amount received by each of such officers out of the said fund. Presented to the House of Commons, 2nd March, 1885.—*Mr. Blake*.....*Printed for Distribution only.*

**73a.** Return to an Order of the House of Commons, dated 2nd March, 1885, for a statement showing the seizures made at the port of Winnipeg by the Department of Customs or any of its officers or officials, between 1st January, 1883, and 1st January, 1885; giving the estimated value of each of such seizures, the amount of fine imposed in each case and the manner in which the said fines were disposed of, and stating, in detail, the amount paid to each officer or employé of the Government, the name of such officer or employé, and when paid, also the salary paid to each such officer or employé; the disposal made of all such goods seized, and if sold—when, for how much, and how the proceeds were disposed of. Presented to the House of Commons, 10th March, 1885.—*Mr. Paterson (Brant)*.....*Printed for Distribution only.*

**73b.** Return to an Order of the House of Commons, dated 12th March, 1885, for a statement showing the number of seizures made at each port of entry in Nova Scotia during the last fiscal year; also during the six months ending the 31st December last; and the names of the parties from whom such seizures were made, the amount of fines exacted at each port during each of the said periods, and the manner in which the said fines were disposed of, giving the names of the officers receiving any portion thereof, and the amount received by each of such officers out of the said fund. Presented to the House of Commons, 17th April, 1885.—*Mr. Stairs*—  
*Not printed.*

**73c.** Return to an Order of the House of Commons, dated 27th April, 1885, for a Return showing seizures made at the Port of Winnipeg by the Customs officers or officials between 1st January, 1883, and 1st January, 1885, in which deposits were forfeited or goods sold after seizure; giving the amount of each sum forfeited and the amount realized in each case in which goods were sold; and stating in detail the name of each officer to whom any portion of the money so realized was paid, and the amount in each case thus paid to the said officer; and also stating the salary paid such officer. Presented to the House of Commons, 18th July, 1885. *Mr. Paterson (Brant)*.....*Not printed.*

**74.** Return to an Order of the House of Commons, dated 23rd February, 1885, for copies of all correspondence, reports, &c., in connection with the weighing and measuring of potatoes and other roots in the Province of Prince Edward Island. Presented to the House of Commons, 2nd March, 1885.—*Mr. Macdonald (King's)*.....*Not printed.*

**75.** Return to an Order of the House of Commons, dated 12th February, 1885, for a Return of all claims presented for drawback on materials used for shipbuilding, for the year ending 30th



June, 1884; also for the six months ending 31st December, 1884; giving the name of the applicant, the name and tonnage of the vessel, the amount claimed and the amount paid. Presented to the House of Commons, 2nd March, 1885.—*Mr. Burpee (Sunbury)*—

*Printed for Distribution only.*

- 75a.** Return to an Order of the House of Commons, dated 17th February, 1885, for a Return of all claims presented up to the 1st February, 1885, for drawbacks on goods manufactured for export (since the date of the last return made to that House), showing the names of all applicants, their place of business, the articles on which the drawback was claimed, and the amount of each claim, distinguishing between the claims which have been allowed and those which have been disallowed, and those under consideration and not yet decided, and giving the reason for such disallowance. Also copies of all regulations made by the Department with reference to such claims, together with a copy of one allowed claim and the sworn declaration thereto of each exporter. Presented to the House of Commons, 6th March, 1885.—*Mr. Paterson (Brant)*—

*Printed for Distribution only.*

- 76.** Return to an Order of the House of Commons, dated 30th January, 1884, for copies of any correspondence, documents, contracts or agreements with the Pullman Palace Car Company, in relation to the company's cars running over the Intercolonial Railway; also any contract or agreement with express companies as to conveyance of express matter over the said railway. Presented to the House of Commons, 2nd March, 1885.—*Mr. Weldon*—

*Printed for Sessional Papers only.*

- 76a.** Return to an Address of the House of Commons, dated 20th February, 1885, to His Excellency the Governor General, praying that he will cause to be laid before the House a copy of the Order in Council appointing Mr. L. K. Jones secretary of the Intercolonial Railway Commission, also a copy of the recommendation on which such Order in Council was based. Presented to the House of Commons, 5th March, 1885.—*Mr. Rykert*.....*Not printed.*

- 76b.** Return to an Order of the House of Commons, dated 12th February, 1885, for a return of the casualties to trains on the Intercolonial Railway arising from collision, broken rails, or otherwise, for the calendar year 1884; the respective causes and dates; the amount of damages (if any), in each case, to property; the amount of compensation paid to owners of property destroyed or damaged, as well as amount of claims for loss or damage to property (if any) unsettled. Presented to the House of Commons, 5th March, 1885.—*Mr. Burpee (Sunbury)*—

*Not printed.*

- 76c.** Return to an Order of the House of Commons, dated 23rd February, 1885, for a comparative statement of the cost of working the Intercolonial Railway for each of the years 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883 and 1884, and the number of miles operated in each year, giving for each year the cost for locomotive power, under the seven sub-headings given in the Minister's report, appendix, page 37; for car expenses, under the seven sub-headings given in the same report, same page; for maintenance, way and works, under the ten sub-headings given in the same report, page 37; for station expenses, under the three sub-headings given in the same report, same page; and for general charges, under the seven sub-headings given in the same report, page 39. Presented to the House of Commons, 9th March, 1885.—*Mr. Blake*.....*Printed for both Distribution and Sessional Papers.*

- 76d.** Return to an Order of the House of Commons, dated 12th February, 1885, for a statement of the revenue and working expenses of the Intercolonial Railway, accrued for the six months of the year ending 31st December, 1884, under the several divisions, similar to Annual Statement B, Intercolonial Railway, in the Public Accounts. Presented to the House of Commons, 9th March, 1885.—*Mr. Burpee (Sunbury)*.....*Not printed.*

- 76e.** Return to an Order of the House of Commons, dated 17th February, 1885, for copies of all correspondence between the Intercolonial officials or the Government and the Canada Shipping Company, or the Beaver line of steamships, with reference to the terms for through rates of freight over the Intercolonial. Presented to the House of Commons, 10th March, 1885.—*Mr. Blake*.....*Not printed.*

- 76f.** Return to an Order of the House of Commons, dated 17th February, 1885, for copies of the claim of J. B. Plante, of St. Charles, Bellechasse, in relation to certain horses which he alleges

have been killed by a train of the Intercolonial Railway, and of which he demands the value; copies of the order referring the said claim to the official arbitrators, and of their enquiry, report and award; of the second reference to the said arbitrators, and of their enquiry and further report; also all documents and papers relating to the matter in question. Presented to the House of Commons, 13th March, 1885.—*Mr. Landry (Montmagny)*.....*Not printed.*

**76g.** Return to an Order of the House of Commons, dated 12th February, 1885, for a return showing the quantity of rolling stock purchased for the Intercolonial Railway during the six months of the year ending 31st December, 1884, giving each kind of rolling stock, and whether purchased under contract or otherwise, the parties from whom bought, and the cost of each kind; also a statement showing what has been built during the year in the Government workshops, giving each kind. Presented to the House of Commons, 23rd March, 1885.—*Mr. Burpee (Sunbury)*.....*Not printed.*

**76h.** Return to an Address of the House of Commons, dated 12th February, 1885, for copies of all Orders in Council, instructions to and correspondence with the commissioners under the commission issued in connection with the claims arising out of the construction of the Intercolonial Railway, and a statement of the matters referred to them, and of the moneys paid to them and to the secretary, and of the number of days during which the commissioners sat, all subsequent to the period covered by the return to the Address of last Session. Presented to the House of Commons, 31st March, 1885.—*Mr. Burpee (Sunbury)*.....*Not printed.*

**76i.** Return to an Address of the House of Commons, dated 27th April, 1885, for copies of all memorials or correspondence presented to or sent the Government by the mayors or city councils of the cities of St. John and Portland, relating to the interruption of traffic between these cities by the railway crossing on Mill Street, and for the erection of a bridge across the said street. Presented to the House of Commons, 9th June, 1885.—*Mr. Weldon*....*Not printed.*

**76j.** Return to an Order of the House of Commons, dated 27th April, 1885, for all papers, documents and correspondence respecting the claim of John D. Robertson for compensation for taking his factory, premises and land for the Intercolonial Railway, last May, at St. John; the report of Alexander Christie, as appraiser; the report of C. W. Fairweather, and others, as valuers, and the evidence taken before Mr. Compton, or any other arbitrator before whom the claim was heard. Presented to the House of Commons, 9th June, 1885.—*Mr. Mills*—*Not printed.*

**76k.** Return to an Order of the House of Commons, dated 27th April, 1885, for a Return of the freight earnings of the Intercolonial Railway for the year ending 30th June, 1884, similar to the descriptive statement of the freight earnings of the Prince Edward Island Railway, to be found on page 84 of the report of the Minister of Railways, with the addition of such other articles of freight not contained in said descriptive statement as were carried on the Intercolonial Railway. Also a comparative statement of the operation of the Intercolonial Railway for said year, showing: 1. Passenger earnings per mile of road in operation. 2. Freight earnings per mile of road in operation. 3. Gross earnings per mile of road in operation. 4. Net traffic earnings per mile of road in operation. 5. Percentage of expenses to earnings. 6. Passenger earnings per passenger train per mile. 7. Freight earnings per freight train per mile. 8. Earnings per passenger per mile. 9. Earnings per ton per mile. 10. Average distance per passenger. 11. Average distance per ton. Presented to the House of Commons, 11th June, 1885.—*Mr. Davies*.....*Not printed.*

**76l.** Return to an Order of the House of Commons, dated 12th March, 1885, for a Return of all contracts made by the Government for the erection of wire fences on the line of the Intercolonial Railway and the names of the contractors and the number of miles put under contract. Presented to the House of Commons, 11th June, 1885.—*Mr. Weldon*.....*Not printed.*

**76m.** Return to an Order of the House of Commons, dated 24th February, 1885, for a statement of all free passes over the Intercolonial Railway issued to persons not actually employed as officers or workmen on this road during the year 1884, distinguishing between annual passes, passes for a more limited period, and single or return trip; with the names of the persons to whom, the dates when, and the occasion for which the same was issued. Presented to the House of Commons, 14th July, 1885.—*Mr. Gillmor*.....*Not printed.*



- 76n.** Return to an Order of the House of Commons, dated 11th March, 1885, for a Return showing: The number of free passes or reduced fare tickets granted to parties to travel on or over the Intercolonial Railway from the 1st January, 1884, to the 1st February, 1885; the names of the parties to whom granted; the date of issue; the length of time to remain in force, and, in case of a reduced fare, the reduction made. Presented to the House of Commons, 15th July, 1885.—*Mr. McMullen* ..... *Not printed.*
- 77.** Return to an Address of the House of Commons, dated 24th February, 1885, to His Excellency the Governor General, praying that he will cause to be laid before the House a copy of the judgment of the Supreme Court in the case of the Queen against Robinson, so far as relates to the rights of the Provincial Governments to control the inland fisheries of the Dominion; and also for copies of all correspondence between the Government of the Dominion and that of the Province of Ontario in relation thereto. Presented to the House of Commons, 2nd March, 1885.—*Mr. O'Brien* ..... *Not printed.*
- 77a.** Return to an Address of the House of Commons, dated 23rd February, 1885, for a Return: 1. Of all contested cases judged upon the merits in the Supreme Court of Canada, during the twelve months ending 1st February instant. 2. Of the dates of final arguments. 3. Of the dates of final judgment. 4. Of the divisions, when such have been, among the judges at the rendering of the final judgments. Presented to the House of Commons, 9th March, 1885.—*Mr. Curran* ..... *Not printed.*
- 77b.** General Rule, No. 265, of the Exchequer Court of Canada, pursuant to section 79 of the Supreme and Exchequer Court Act. Presented to the House of Commons, 10th April, 1885, by Hon. J. Costigan ..... *Not printed.*
- 77c.** Return to an Order of the House of Commons, dated 12th March, 1885, for copies of all judgments rendered by the Supreme Court, from the period when it was first established up to this date, reversing decisions of the Court of Queen's Bench of the Province of Quebec, with a succinct summary of the reasons given by the judges. Presented to the House of Commons, 17th July, 1885.—*Mr. Landry (Montmagny)* ..... *Not printed.*
- 78.** Return to an Order of the House of Commons, dated 17th February, 1885, for a Return showing all sums of money paid and the dates of payment to A. F. Wood and J. A. Wilkinson, or either of them, from the first day of January, 1879, to the first day of January, 1885; the work done or services rendered as valuers or otherwise during each year, showing the number of days, weeks or months employed and the number of valuations made on the Murray Canal; the amount paid to the several parties on the recommendation or joint recommendations of them or either of them; the length of time the claims had been in existence; the amount claimed and the dates of payment, and the amount paid and the travelling and all other expenses connected therewith and paid to the said Wood and Wilkinson, or either of them, or to any other person or persons on their or either of their accounts. Presented to the House of Commons, 2nd March, 1885.—*Mr. McMullen* ..... *Not printed.*
- 79.** Return to an Address of the House of Commons, dated 23rd February, 1885, to His Excellency the Governor General, praying that he will cause to be laid before the House copies of all Orders in Council, leases, correspondence and other documents in possession of the Government in reference to the leasing of the piece of property in the city of Kingston known as the Tête du Pont Barracks. Presented to the House of Commons, 2nd March, 1885.—*Mr. Platt*—*Not printed.*
- 80.** Return to an Order of the House of Commons, dated 2nd February, 1885, for copies of all documents, correspondence and contracts between the Government or its officers and the several parties tendering for the supplying of wood to the lightship at the Lower Traverse, for the years 1883 and 1884. Presented to the House of Commons, 4th March, 1885.—*Mr. Casgrain* ..... *Not printed.*
- 81.** Return to an Order of the House of Commons, dated 12th February, 1885, for a statement showing the names and places of residence of all militiamen of 1812 who received their pension during the last fiscal year, and the amount paid to each of them. Presented to the House of Commons, 5th March, 1885.—*Mr. Bourassa* ..... *Printed for Sessional Papers only.*

- 81a.** Return to an Order of the House of Commons, dated 12th February, 1885, for a copy of the charges against Lieut.-Colonel O'Malley, of the 25th Battalion, Ontario; date of O'Malley's suspension; date of the court of enquiry into the charges; also a copy of the evidence taken before said court of enquiry, together with the report of said court to the Major-General commanding the militia; also copy of report of the Major-General commanding the militia in reference to the charges against Lieut.-Colonel O'Malley, 25th Battalion Presented to the House of Commons, 12th March, 1885.—*Mr. Wilson*.....*Not printed.*
- 81b.** Return to an Order of the House of Commons, dated 2nd March, 1885, for a Return showing the number of officers, non-commissioned officers and men comprising "A," "B" "C" Batteries, the Cavalry and Infantry Schools; also the pay and allowances of the commissioned officers of said batteries and schools, with their rank and names, and distinguishing such of said commissioned officers as are graduates of the Royal Military College, the date of appointment of all said officers to the schools and of their commissions in the militia, as well as showing their qualifications and the Provinces from which they come; also return showing the expenditure on account of "A," "B" "C" Batteries, the Cavalry and Infantry Schools, from the 1st July, 1884, to 1st January, 1885, distinguishing the disbursements on account of pay and allowances, and the names of the parties to whom payments were made. Presented to the House of Commons, 13th March, 1885.—*Mr. Lister*.....*Not printed.*
- 81c.** Return (in part) to an Order of the House of Commons, dated 2nd March, 1885, for a return showing: 1. Number and names of the students having passed or graduated from the Royal Military College, Kingston, in each year to date. 2. Total number of marks received by each, together with the total number possible to be obtained in each year, respectively, and the percentage of such total obtained by each pupil. 3. Number and names of those cadets who, after passing through said college, are now employed in the service of the Dominion, together with statement of the position occupied by each. 4. Number and names of cadets who have been offered employment in the service of the Dominion, and have declined the offer, together with statement of the position offered and declined by each respectively. Presented to the House of Commons, 16th March, 1885.—*Mr. Blake*—  
*Printed for both Distribution and Sessional Papers.*
- 81d.** Return to an Order of the House of Commons, dated 5th February, 1885, for a return of all rifle associations in the Dominion, their headquarters, the annual grant to each, with the names of the members of each of such associations. Presented to the House of Commons, 20th March, 1885.—*Mr. Bergin*.....*Not printed.*
- 81e.** Supplementary Return to an Order of the House of Commons, dated 2nd March, 1885, for a Return showing: 1. Number and names of the students having passed or graduated from the Royal Military College, Kingston, in each year to date. 2. Total number of marks received by each, together with the total number possible to be obtained in each year, respectively, and the percentage of such total obtained by each pupil. 3. Number and names of those cadets who, after passing through said college, are now employed in the service of the Dominion, together with statement of the positions occupied by each. 4. Number and names of cadets who have been offered employment in the service of the Dominion, and have declined the offer, together with statement of the position offered and declined by each, respectively. Presented to the House of Commons, 27th April, 1885.—*Mr. Blake*.....*Not printed.*
- 81f.** Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, dated the 8th July, 1885, on a memorandum of the 30th June, 1885, from the Minister of Militia and Defence, submitting certain regulations relating to gratuities and pensions to be granted under the provisions of section 68 of the Consolidated Militia Act of 1883, to officers and men of the active militia who have been or may be killed or wounded on actual service after the 20th day of March, 1885, or who have died since that date, or may die hereafter, from illness or injuries contracted on actual service. Presented to the House of Commons, 10th July, 1885, by Hon. J. P. R. A. Caron—  
*Printed for both Distribution and Sessional Papers.*
- 82.** Return to an Address of the House of Commons, dated 22nd February, 1885, for copies of the petition of J. Hickson, Esq., and others, relative to the continuation of the pension of the late



John Martin to his widow, and all papers in connection therewith. Presented to the House of Commons, 5th March, 1885.—*Mr. Curran*.....*Not printed.*

- 83.** Return to an Address of the House of Commons, for copies of all Orders in Council, memorials and representations, on the subject of the bounty on manufactures of iron, not already brought down, together with all letters, accounts and vouchers in respect of claims made for such bounty; and statement in detail of all sums paid or allowed in respect thereof. Presented to the House of Commons, 6th March, 1885.—*Mr. Blake*.....*Printed for Sessional Papers only.*
- 84.** Return to an Order of the House of Commons, dated 12th February, 1885, for copies of all papers and correspondence between the Government and D. J. Hughes, county judge of Elgin, or any other person or persons, relating to charges preferred by certain petitioners of said county, asking for a commission of enquiry into the official conduct of the said judge. Presented to the House of Commons, 6th March, 1885.—*Mr. Wilson*.....*Not printed.*
- 85.** Return to an Order of the House of Commons, dated 17th February, 1885, for a Return of all certificates for liquor sold under section 99, clause 4, second part of the Canada Temperance Act of 1878, by the physicians of the several counties now under the said Act in Nova Scotia, giving the names of each physician and the names of the persons to whom certificates were granted, and the quantity supplied in each case, from 1st January, 1884, to 1st January, 1885. Presented to the House of Commons, 6th March, 1885.—*Mr. Kirk*.....*Not printed.*
- 85a.** Return to an Address of the House of Commons, dated 5th February, 1885, for: 1. A copy of the Order in Council respecting the submission to the Supreme Court of the case agreed on between the Government of Canada and the Government of each of the Provinces under the Liquor License Act of 1883, and the Act to amend the Liquor License Act of 1883, as to the competency of Parliament to pass the said Acts in whole or in part. 2. A copy of the said case of the factum of the Government of Canada and of the factum of each of the said Provinces, the arguments of counsel in such case and the notes of the shorthand reporter taken during such argument. 3. A copy of the report of said court in said case. 4. All correspondence between the Government of Canada and the Government of each of said Provinces touching said case, and the submission thereof, and the report thereon; and all correspondence between said Governments before and since said report, respecting the same and the matters in dispute and so referred. Presented to the House of Commons, 11th March, 1885.—*Mr. Cameron (Huron)* .....*Printed for Sessional Papers only.*
- 85b.** Return (*in part*) to an Order of the House of Commons, dated 16th February, 1885, for a statement from the records of all the votings held in various counties and cities under the provisions of the Canada Temperance Act, 1878, showing by electoral districts and the various sub-divisions thereof, the total number of names on the electoral lists, the number of votes polled for the adoption of the Act, and the number of votes polled against the adoption of the Act, with the number of the population of each such electoral district at the time of the taking of the census next preceding the vote in such electoral district. Presented to the House of Commons, 11th March, 1885.—*Mr. Fisher*.....*Not printed.*
- 85c.** Return to an Address of the House of Commons, dated 2nd March, 1885, for all correspondence between this Government and the Local Government of the Province of Quebec about the working of the License Act. Presented to the House of Commons, 13th March, 1885.—*Mr. Bergeron* .....*Not printed.*
- 85d.** Return to an Address of the House of Commons, dated 2nd March, 1885, for: 1. The amount of revenue derived from the importation of wines, spirits, ale, beer, porter, cordials and other liquors, during the last fiscal year. 2. The amount of revenue derived from the manufacture of the same for the same period. Presented to the House of Commons, 13th March, 1885.—*Mr. Bergin*.....*Not printed.*
- 85e.** Return to an Order of the House of Commons, dated 9th February, 1885, for a Return of all certificates for liquor under section ninety-nine, clause four, second part of the Canada Temperance Act of 1878, by the physicians of the county of Halton; giving the name of each physician and the name of each person to whom certificates were granted from the first of May, 1884, to the first of February, 1885. Presented to the House of Commons, 18th March, 1885.—*Mr. McCraney*.....*Not printed.*

- 85f.** Return to an Order of the House of Commons, dated 16th February, 1885, for a statement from the records of all the voting held in various counties and cities under the provisions of the Canada Temperance Act, 1878, showing by electoral districts and the various sub-divisions thereof the total number of names on the electoral lists, the number of votes polled for the adoption of the Act, and the number of votes polled against the adoption of the Act, with the number of the population of each such electoral district at the time of the taking of the census next preceding the vote in such electoral district. Presented to the House of Commons, 23rd March, 1885.—*Mr. Fisher*.....*Not printed.*
- 85g.** Return to an Address of the Senate, dated 20th February, 1885, for a return of the amounts of revenue received from duties or excise on wine, beer and spirits, for the year ending 31st December, 1884. Presented to the Senate, 13th March, 1885.—*Hon. Mr. Plumb*....*Not printed.*
- 85h.** Return to an Address of the House of Commons, dated 27th April, 1885, for copies of all correspondence between Charles H. Lugrin and the Secretary of State, in reference to an appeal to the Supreme Court of Canada to test the constitutionality of the Canada Temperance Act, between the dates of 31st May, 1879, and 31st May, 1884. Presented to the House of Commons, 5th May, 1885.—*Mr. Burpee (Sunbury)*.....*Not printed.*
- 85i.** Return to an Order of the House of Commons, dated 5th February, 1885, for a Return showing the number of persons who applied in the year 1884 for licenses under the Liquor License Act of 1883; the total number of licenses granted in Canada, the total number in each province and in each electoral district; the total number refused a license and the reason for refusal; the total number in each province who paid part of the fee but did not take out a license; the total amount received by the Government for such licenses in Canada, in each province of Canada, and also in each electoral division; together with a statement showing what salary was paid the commissioners, inspectors and sub-inspectors under the Act, and giving the names and addresses of said commissioners, inspectors and sub-inspectors in every electoral district of Canada. Presented to the House of Commons, 23rd June, 1885.—*Mr. Landerkin*—*Not printed.*
- 85j.** Return to an Order of the House of Commons, dated 5th February, 1885, for a Return showing the names and residences of all officials appointed by the Government or the Board of License Commissioners under the Liquor License Act of 1883, and amending Act; the salary, fees and emoluments paid to each, and the aggregate costs incurred up to 1st January, 1885, under the said Act, and for carrying out and enforcing the same. 2. A statement of the name and residence of each person who obtained a license under the said Act, as well as under any local law. 3. A statement of all sums received by the Government or any persons appointed under the said Acts, up to 1st January, 1885, as license fees or otherwise, and the name and residence of the person from whom received, and the disposal made by the Government or the officials of the Government of such sums. 4. A full and detailed statement of all costs, charges and expenses paid by the Government up to 1st January, 1885, under the said Acts or in connection therewith, or arising therefrom for the purpose of carrying said Acts into effect and enforcing the same and testing the constitutionality of the said Acts. Presented to the House of Commons, 23rd June, 1885.—*Mr. Cameron (Huron)*.....*Not printed.*
- 85k.** Return to an Order of the House of Commons, dated 12th February, 1885, for a copy of all correspondence had with the Government, or any member thereof, in relation to any proposed alteration or relaxation of the provisions of the present Prohibitory Liquor Law of the North-West Territories. Presented to the House of Commons, 15th July, 1885.—*Mr. Foster*—*Printed for Sessional Papers only.*
- 86.** Return to an Address of the House of Commons, dated 6th February, 1885, for: 1. A statement showing all tolls of the Northern Railway Company of Canada, the Hamilton and North-Western Railway Company, and the Northern and Pacific Junction Railway Company, respectively. 2. Copies of the respective by-laws of such companies fixing and regulating such tolls. 3. Copies of any Orders in Council approving of any of such tolls. Presented to the House of Commons, 9th March, 1885.—*Mr. Mulock*.....*Not printed.*
- 87.** Return to an Order of the House of Commons, dated 17th February, 1885, for a Return showing the number of islands leased in the river St. Lawrence, the names of such islands, the party or



parties to whom leased, and the yearly rental payable for each of the said islands respectively. Presented to the House of Commons, 11th March, 1885.—*Mr. Wood (Brockville)*....*Not printed.*

- 88.** Return to an Order of the House of Commons, dated 23rd February, 1885, for copies of all correspondence relative to the proposal to have the waters of the Muskoka lakes connected with the proposed Trent Valley Canal system by the construction of a short canal from Gravenhurst Bay to the waters of the Severn River. Presented to the House of Commons, 11th March, 1885.—*Mr. Cockburn*.....*Not printed.*

- 89.** Return to an Order of the House of Commons, dated 16th February, 1885, for a statement of the various amounts of money paid by the Government of Canada, or any of the public departments, since 1882, to Henry J. Morgan, for services of any kind, or for copies of a certain book, called the "Annual Register;" together with copies of the certificate of each public official to whom such books have been delivered. Presented to the House of Commons, 11th March, 1885.—*Mr. McCraney*.....*Not printed.*

- 89a.** Return to an Order of the House of Commons, dated 27th April, 1885, for a statement of all payments during 1882-83 and 1883-84 for the *Dominion Annual Register* to anyone except H. J. Morgan, with the names of the persons who received the money, and a statement of the manner in which the number of books were distributed. Presented to the House of Commons, 19th May, 1885.—*Mr. McCraney*.....*Not printed.*

- 90.** Report of Progress of the Geological and Natural History Survey and Museum of Canada, containing reports and maps of investigation and surveys, for 1882-83 and 1884. Presented to the House of Commons, 11th March, 1885, by Sir John A. Macdonald—

*Not re-printed for Sessional Papers.*

- 91.** The Annual Report of the Life Association of Canada, for year ending 31st December, 1883. Presented to the House of Commons, 20th March, 1885.....*Not printed.*

- 92.** A statement of affairs and list of shareholders of the British Canadian Loan and Investment Company, on the 31st December, 1884. Presented to the House of Commons, 20th March, 1885, by Sir Leonard Tilley.....*Not printed.*

- 93.** Return to an Order of the House of Commons, dated 17th February, 1885, for copies of all papers connected with the sale of the Dundas and Waterloo Macadamized Road by the Government on the 15th day of March, 1884, including previous applications by any municipality or private parties for the purchase or other acquisition of the road, the conditions under which the road was offered for sale; statement, in detail, of the expenses incurred in connection with the sale, to whom sold, the amount realized and the amount and dates of the payments made by the purchaser, and the balance, if any, remaining unpaid at the date of this Order. Presented to the House of Commons, 12th March, 1885.—*Mr. Paterson (Brant)*—

*Not printed.*

- 94.** Return to an Order of the House of Commons, dated 23rd February, 1885, for a statement showing in the case of each election which has taken place since the general election of 1878 : 1. The date of certificate of the judge or court showing the election was void, or of the communication from members that there was a vacancy, or of the member's warrant to the Clerk of the Crown in Chancery, or of any other instrument under which primary action was taken towards a new election, specifying in each case the nature of the instrument. 2. Date of receipt by the Speaker or Clerk, as the case may be, of above instrument. 3. Date of the issue of Speaker's warrant to the Clerk of the Crown in Chancery to make out a new writ. 4. Date of the receipt of the Speaker's warrant by the Clerk of the Crown in Chancery. 5. Date of the issue of new writ by the Clerk of the Crown in Chancery. 6. Date of despatch of new writ to Returning Officer. 7. Dates named in new writ for nomination and polling respectively. 8. Dates on which nomination and polling took place. 9. Date of return. 10. Date of receipt of return by Clerk of the Crown in Chancery. Presented to the House of Commons, 18th March, 1885.—*Mr. Blake*.....*Not printed.*

- 94a.** Return (*in part*) to an Order of the House of Commons, dated 23rd February, 1885, for a statement respecting each election which has taken place since the general election of 1878; dated 20th March, 1885. Presented to the House of Commons, 20th March, 1885.—*Mr. Blake*—*Not Printed.*

- 95.** Return to an Order of the House of Commons, dated 2nd March, 1885, for: 1. Copies of the petition praying for the deepening of Bras St. Nicholas, in the county of Montmagny. 2. Statement of the amount expended in the said work, the names of the persons to whom the same was paid, the work for which such sum was paid, the date of payment, and the report, estimate or account upon which each payment was made. 3. Statement of the amount paid to Jules Bélanger in connection with the said work. Presented to the House of Commons, 13th March, 1885.—*Mr. Laurier*.....*Not printed.*
- 96.** Return to an Order of the House of Commons, dated 6th February, 1885, for copies of all correspondence, leases, agreements and statements of payments for rent or taxes, or allowances to any Government employé for the same, for a building occupied by the engineer or assistant engineers of the Trent Valley Canal on part of lot 2 west of Colborne Street and north of Frances Street, in the village of Fenelon Falls, Ontario. Presented to the House of Commons, 13th March, 1885.—*Mr. Cockburn*.....*Not printed.*
- 96a.** Return to an Address of the House of Commons, dated 17th February, 1885, for copies of all correspondence, reports to Council, Orders in Council, reports of engineers on the ground, engineers in charge, and of the chief engineer, plans and estimates of cost, in connection with the proposed Trent Valley Canal. Presented to the House of Commons, 8th May, 1885.—*Mr. Blake*.....*Printed for Sessional Papers only.*
- 96b.** Return to an Address of the House of Commons, dated 30th March, 1885, for copies of all advertisements, tenders, contracts, specifications, Orders in Council, correspondence and other papers in connection with George Goodwin's contracts in respect to the Trent Valley Canal navigation, including all accounts and letters with reference to claims for extras on such contracts. Presented to the House of Commons, 8th May, 1885.—*Mr. Blake*...*Not printed.*
- 97.** Return to an Order of the House of Commons, dated 17th February, 1885, for a statement of subsidies in cash and subventions, of whatever kind, on railways in the Province of Nova Scotia, including the island of Cape Breton, chargeable to capital account, since the date of Confederation, whether in aid of construction or acquiring of said railways, and the number of miles located in each county. Presented to the House of Commons, 13th March, 1885.—*Mr. McDougall (Cape Breton)*.....*Not printed.*
- 97a.** Return to an Address of the House of Commons, dated 6th February, 1885, for copies of all Orders in Council, reports, correspondence and papers respecting the grant or payment of any subsidies to railways other than the Canadian Pacific Railway, not already brought down; and statements, in detail, of all such payments to date. Presented to the House of Commons, 31st March, 1885.—*Mr. Blake*.....*Printed for Sessional Papers only.*
- 97b.** Orders in Council recommending the grant of Dominion lands to the Alberta and Athabasca Railway Company, to the Manitoba South-Western Colonization Railway Company, to the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company, and to the Manitoba and North-Western Railway Company. Presented to the House of Commons, 15th April, 1885, by Hon. J. H. Pope.....*Not printed.*
- 97c.** Papers, correspondence, etc., relative to grants of Dominion lands to the following railways:—Manitoba South-Western Railway Company, Manitoba North-Western Railway Company, Qu'Appelle, Long Lake and Saskatchewan Railway and Steamboat Company, Winnipeg and Hudson Bay Railway and Steamship Company, North-Western Coal and Navigation Company, North-West Central Railway Company, Qu'Appelle and Wood Mountain Railway Company, and the Portage, Westbourne and North-Western Railway Company. Presented to the House of Commons, 22nd April, 1885, by Hon. J. H. Pope.....*Not printed.*
- 97d.** Copy of an Order in Council, under date the 6th May, 1885, respecting the Manitoba and North-Western Railway Company. Presented to the House of Commons, 15th June, 1885, by Sir Hector Langevin.....*Not printed.*
- 98.** Return to an Order of the House of Commons, dated 2nd March, 1885, for a statement showing the earnings and working expenses of the Eastern Extension Railway, from New Glasgow to Port Mulgrave, Nova Scotia, for each month of the calendar year 1884, respectively. Presented to the House of Commons, 13th March, 1885.—*Mr. Cameron (Inverness)*.....*Not printed.*



- 99.** Return to an Address of the House of Commons, dated 17th February, 1885, for copies of all petitions, letters and other correspondence between the Government and any other parties, relating to the payment of wages due the laborers employed on the construction of the Cape Traverse Branch of the Prince Edward Island Railway. Presented to the House of Commons, 13th March, 1885.—*Mr. Hackett*.....*Not printed.*
- 99a.** Return to an Address of the Senate, dated 20th March, 1885, showing, in detail, the total cost of the Cape Traverse Branch Railway; including the sums paid to engineers and for superintending its construction, the rolling stock, stations and other buildings. Presented to the Senate, 20th April, 1885.—*Hon. Mr. Botsford* .....*Not printed.*
- 100.** Return to an Address of the House of Commons, dated 2nd March, 1885, for copies of all correspondence between the Government of British Columbia or any other person and the Dominion Government, in reference to the troubles among the Indians at Metlakatla, in the year 1884; also all correspondence, including the Order of Council, referring to or recommending the commutation of the sentence passed by the court in British Columbia upon the murderer of Mrs. Yeomans. Presented to the House of Commons, 18th March, 1885.—*Mr. Shakespeare and Mr. Gordon's amendment*.....*Not printed.*
- 100a.** Return to an Order of the House of Commons, dated 12th March, 1885, for: 1. Copy of form of tender for Indian supplies in the North-West for the year 1884. 2. Copies of all tenders received by the Government for such supplies in 1884. 3. The action or decision of the Government on such tenders, and the reasons therefor. 4. Copies of all contracts made by the Government with parties whose tenders have been accepted. 5. All correspondence with the Government respecting all tenders and contracts. Presented to the House of Commons, 29th April, 1885.—*Mr. Paterson (Brant)*.....*Printed for Sessional Papers only.*

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- 101.** Return to an Order of the House of Commons, dated 2nd March, 1885, for a Return of all fish taken in the bay and river of Miramichi and its branches for the year ending 1st February, 1885, defining the separate quantities of each kind by weight, the places to which they were exported, and the route of transport in each case, and the average price received for each kind of fish; together with an estimate, in detail, of the several kinds of fish taken in that time. Presented to the House of Commons, 20th March, 1885.—*Mr. Macmillan (Middlesex)*—  
*Not printed.*
- 101a.** Return to an Address of the House of Commons, dated 6th February, 1885, for copies of all minutes of Council, reports to Council, and of correspondence between the Canadian Government and the British Government, or any of its officers or members, not already laid before Parliament, relating to the so-called fishery question, from the 1st of July, 1867, up to the time of the signing of the Washington Treaty. Presented to the House of Commons, 22nd April, 1885.—*Mr. Mulock*.....*Printed for Sessional Papers only.*
- 101b.** Return to an Order of the House of Commons, dated 12th March, 1885, for copies of all documents, plans and reports furnished to the Department of Marine and Fisheries by J. U. Gregory, in relation to the porpoise fishery of Ste. Ann la Pocatière. Presented to the House of Commons, 28th May, 1885.—*Mr. Blondeau*.....*Not printed.*
- 101c.** Return to an Order of the House of Commons, dated 27th April, 1885, for a statement of amounts paid in bounty in the years 1883 and 1884 on fish caught in Bras d'Or Lakes, in the counties of Cape Breton, Inverness, Richmond and Victoria, and number of boats drawing such bounty in each county. Presented to the House of Commons, 28th May, 1885.—*Mr. McDougall (Cape Breton)*.....*Not printed.*
- 101d.** Return to an Order of the House of Commons, dated 12th March, 1885, for a return of all leases or licenses issued by the Department of Marine and Fisheries to fish on non-tidal waters in the Province of New Brunswick; the names of the lessees or licensees, and the respective territories and streams leased or licensed, and the respective amounts of rent paid by each lessee or licensee annually. Presented to the House of Commons, 28th May, 1885.—*Mr. Weldon*.....*Not printed.*

- 101e.** Return to an Order of the House of Commons, dated 12th March, 1885, for copies of the report of Mr. Jules Gauvreau, fishery overseer, and all details relating thereto, for the year 1884. Presented to the House of Commons, 28th May, 1885.—*Mr. Blondeau*.....*Not printed.*
- 101f.** Return to an Order of the House of Commons, dated 12th March, 1885, for copies of the report of the enquiry made by J. U. Gregory against Mr. Clovis Caron, fishery overseer, and of all documents relating thereto. Presented to the House of Commons, 28th May, 1885.—*Mr. Blondeau*.....*Not printed.*
- 101g.** Return to an Order of the House of Commons, dated 12th March, 1885, for copies of the report of Mr. Clovis Caron, fishery overseer, and all details therewith connected, for the year 1884. Presented to the House of Commons, 28th May, 1885.—*Mr. Blondeau*.....*Not printed.*
- 101h.** Return to an Address of the House of Commons, dated 27th April, 1885, for copies of all correspondence, Orders in Council, reports and other papers in connection with the removal of Mr. J. E. Starr, of Port Williams, Nova Scotia, from the office of fishery overseer, and the appointment of his successor; and a statement of the distance between the residence of Mr. Starr and that of his successor, and of the length of the coast line of King's County, N.S. Presented to the House of Commons, 5th June, 1885.—*Mr. Blake*.....*Not printed.*
- 101i.** Message from His Excellency the Governor General, transmitting to the House of Commons copies of despatches, correspondence and papers having reference to the negotiations at Washington with respect to the termination of the fishery clauses of the Treaty of Washington during the year 1884 and to the present date in 1885. Presented to the House of Commons, 9th July, 1885, by Sir John A. Macdonald.....*Printed for Sessional Papers only.*
- 102.** Return to an Address of the House of Commons, dated 2nd March, 1884, for copies of all correspondence, reports, Orders in Council, statements of accounts and other documents in the possession of the Government relating to the claim of the Government against the Allan Steamship Company for services rendered by the steamer "Newfield," in 1881, with a statement of the Government claim and the amount received in liquidation thereof. Presented to the House of Commons, 20th March, 1885.—*Mr. Forbes* .....*Not printed.*
- 103.** Return to an Order of the House of Commons, dated 2nd February, 1885, for copies of the complaint, correspondence, documents and reports, relating to the enquiry respecting Captain Alphonse Miville DeChêne about the year 1879, at St. Roch des Aulnets. Presented to the House of Commons, 20th March, 1885.—*Mr. Casgrain*.....*Not printed.*
- 104.** General statements and returns of baptisms, marriages and burials for certain districts of the Province of Quebec, for the year 1884. Presented to the House of Commons, 20th March, 1885, by Hon. J. H. Pope.....*Not printed.*
- 105.** Return to an Order of the House of Commons, dated 2nd March, 1885, for a statement of the quantity and value of coal purchased in 1883 and 1884 for the use of the public buildings at Ottawa, including Rideau Hall, showing from whom purchased, the price paid per ton, the kind of coal, and where produced. Presented to the House of Commons, 23rd March, 1885.—*Mr. Kirk*.....*Not printed.*
- 105a.** Return to an Order of the House of Commons, dated 12th March, 1885, for a Return of all animal charcoal imported into the Dominion, whether as fertilizers or for manufacturing purposes, the value of each kind, and the duties collected thereon at the respective ports of the Dominion, for the last fiscal year ending 30th June, 1884. Presented to the House of Commons, 27th April, 1885.—*Mr. Stairs*.....*Not printed.*
- 105b.** Return to an Order of the House of Commons, dated 12th March, 1885, for copies of all notices asking for tenders for supplying the fog-whistles and lighthouses in the Bay of Fundy and on the south shore of Nova Scotia with coal; copies of tenders submitted, names of party or parties whose tenders were accepted; copies of all vouchers, bills of lading and receipts upon which moneys were paid, and all other information in the Department in reference to this service. Presented to the House of Commons, 27th April, 1885.—*Mr. Robertson (Shelburne)*—*Not printed.*



- 105c.** Return to an Order of the House of Commons, dated 12th February, 1885, for a return giving a full statement of all coal entered ex-warehouse, free for exportation, during the year ending 30th June, 1884, showing the quantity so entered at each port; the names of persons having entered; the quantities ex-warehoused by each person, and, if exported, the name of the vessel or railroad by which exported; the place to which exported, and copies of all the cancelling certificates, showing that such coal had been landed in the ports to which exported. Presented to the House of Commons, 7th May, 1885.—*Mr. Burpee (Sunbury)*.....*Not printed.*
- 105d.** Return to an Order of the House of Commons, dated 12th March, 1885, for a return of the quantity of coal carried from the Spring Hill Coal Mines by the Intercolonial Railway from 1st January, 1884, to 31st December, 1884, showing the distance carried, the several places where delivered, and the rate per ton or per car for the carriage thereof from the mines to the several points of delivery. Presented to the House of Commons, 14th July, 1885.—*Mr. McMullen* .....*Not printed.*
- 106.** Return to an Order of the House of Commons, dated 24th February, 1885, for copies of all correspondence exchanged between the Department of Public Works and any person whomsoever, in relation to the construction of a wharf at Pointe aux Trembles, in the county of Portneuf. Presented to the House of Commons, 23rd March, 1885.—*Mr. De St. Georges*—*Not printed.*
- 106a.** Return to an Order of the House of Commons, dated 12th March, 1885, for a return of the wharfage collected at the Digby Pier from the 1st January, 1884, to the 31st of December, 1884. Also a return of the wharfage collected at the Metaghan River Pier, in the county of Digby, for the same period. Presented to the House of Commons, 16th April, 1885.—*Mr. Vail*—*Not printed.*
- 107.** Return to an Order of the House of Commons, dated 23rd February, 1885, for copies of correspondence, petitions, reports of engineers, lighthouse inspectors and others, in reference to change in dimensions of location of the lighthouses known as "Range Lights," at Weller's Bay, Ontario. Presented to the House of Commons, 23rd March, 1885.—*Mr. Platt*—*Not printed.*
- 107a.** Return to an Order of the House of Commons, dated 27th April, 1885, for a return of any memorials or correspondence with the Department of Marine and Fisheries in reference to the site of the new lighthouse at Quaco, built in place of a former one destroyed by fire; showing what was the purchase money paid for the present site, and to whom paid; and showing also who is the present keeper of the light, when appointed, and at what salary. Presented to the House of Commons, 5th June, 1885.—*Mr. Weldon*.....*Not printed.*
- 107b.** Return to an Order of the House of Commons, dated 27th April, 1885, for copies of all correspondence and complaints regarding the management of Bird Island Light, Victoria, Nova Scotia, during the past two years. Also the reports of the several superintendents of lights during the above period, and the evidence taken before the several superintendents regarding the management of the said Bird Island Light. And also the name of the person (if any) now in charge of said light, and the amount of salary paid to such keeper, and if he is permanently engaged. Presented to the House of Commons, 8th June, 1885.—*Mr. Campbell (Victoria)*.....*Not printed.*
- 108.** Return to an Address of the House of Commons, dated 23rd February, 1885, for copies of all Orders in Council, leases, correspondence and other documents in possession of the Government, in reference to the leasing of the piece of property in the city of Kingston known as the Market Battery. Presented to the House of Commons, 23rd March, 1885.—*Mr. Platt*—*Not printed.*
- 109.** Return to an Order of the House of Commons, dated 17th February, 1885, for a copy of the document or instrument containing the assurance received by the Government on or about the 17th day of April last from the Grand Trunk Railway Company, referred to by the Right Hon. Sir John A. Macdonald on that day in his place in this House, to the effect that the Grand Trunk Railway Company would set aside one million pounds sterling for the purpose of double

tracking the line of the Grand Trunk Railway between Montreal and Toronto. Also copy of the report of the denial of the said assurance and of the statements alleged to have been made in respect of it, by Sir Henry Tyler, the president of the said company, at the meeting thereof held in London, England, shortly after the said announcement; and copies of all correspondence between the Government and any official of the said company respecting the said assurance. Presented to the House of Commons, 23rd March, 1885.—*Mr. Mitchell*.....*Not printed.*

**109a.** Return to an Order of the House of Commons, dated 28th March, 1884, for a statement showing the names of all stockholders in the Grand Trunk Railway of Canada, with the amounts of stock held by each of said stockholders, at the close of the first year after the charter was granted or operations commenced. Also the names of all stockholders in said company and the amounts of stock held by each on the first day of the current year. Presented to the House of Commons, 31st March, 1885.—*Mr. Mitchell*.....*Not printed.*

**109b.** Return to an Order of the House of Commons, dated 24th February, 1885, for a statement in detail of the several casualties or accidents, whereby passengers were injured or killed, which have occurred on the Grand Trunk Railway and any of its branches, and the Canadian Pacific Railway and any of its branches, from the 1st day of January, 1884, to the 1st day of January, 1885, stating in detail where and when such casualties occurred, the number of persons killed in each casualty, also number injured, stating whether seriously or otherwise, the several amounts paid, and to whom paid, as damages in each accident, whether any law suits for recovery of damages are pending, and stating in detail what amounts are still claimed thereon; also the causes of such accidents. Presented to the House of Commons, 16th April, 1885.—*Mr. Mitchell*.....*Not printed.*

**109c.** Supplementary Return to an Order of the House of Commons, dated 24th February, 1885, for a statement, in detail, of the several casualties or accidents, whereby passengers were injured or killed, which have occurred on the Grand Trunk Railway and any of its branches, and the Canadian Pacific Railway and any of its branches, from the 1st day of January, 1884, to the 1st day of January, 1885, stating in detail, where and when such casualties occurred, the number of persons killed in each casualty, also number injured, stating whether seriously or otherwise, the several amounts paid, and to whom paid, as damages in each accident, whether any lawsuits for recovery of damages are pending, and stating, in detail, what amounts are still claimed thereon; also the causes of such accidents. Presented to the House of Commons, 20th April, 1885.—*Mr. Mitchell*.....*Not printed.*

**109d.** Return (*in part*) to an Order of the House of Commons, dated 24th February, 1885, for copies of the returns as required to be made under the Consolidated Railway Act of 1879, and the Acts in amendment thereof, of 1881 and 1884, by the Grand Trunk Railway Company, for the fiscal year 1883-84, in each year separately; and—1. The number of miles of main line of Grand Trunk, with statement of actual total cost of construction and equipment thereof. The separate cost per mile of construction thereof, without rolling stock. The total amount of capital account now standing against the said railway, including its equipment. 2. A statement, in detail, showing the several branches or side lines now owned by the said company, including the number of miles in each, with the amounts severally paid for each. How such amounts were paid; whether paid in cash or securities, and the statement and character thereof, in detail. The amount for which each of such securities was sold, and the net amounts which were realized in each. 3. A statement, in detail, of any railway line or lines leased by the Grand Trunk Company or agreed to be worked by them on a percentage of earnings or other terms, with the length of each of such lines and the conditions, in detail, of the agreements in relation thereto. 4. A statement, in detail, of any interest the Grand Trunk Railway may have in any other railway or railways, with the securities, in detail, that they may hold in relation thereto. 5. A statement in detail of the net earnings of each of the railways mentioned in the four preceding clauses, after the payment of working expenses, for the past financial year, of each of the said railways, with a statement, in detail, of the percentage that working expenses bear in each case to the gross earnings. 6. Whether any and what amounts were paid by the Grand Trunk Company towards the construction of the Toronto and Ottawa Railway, and the amount thereof, with the statement of the gross, as well as the net, earnings of the said railway for the past financial year of the said railway; and a statement of where



these funds came from; also a statement as to where they appear in the accounts of the Grand Trunk Company's accounts or returns. Presented to the House of Commons, 5th May, 1885.—*Mr. Mitchell*.....*Not printed.*

- 110.** Return to an Order of the House of Commons, dated 12th March, 1885, for a Return showing all properties or rooms leased by the various branches of the Public Service from private parties or companies in the city of Ottawa, stating the amount of rental paid in each case; also the purposes for which such properties or rooms are used. Presented to the House of Commons, 24th March, 1885.—*Mr. Somerville (Brant)*.....*Not printed.*

- 111.** Return to an Address of the House of Commons, dated 6th February, 1885, for copy of the lease of the Northern and Pacific Junction Railway Company to the Northern Railway Company of Canada and Hamilton and North-West Railway Company, or either of them. Presented to the House of Commons, 24th March, 1885.—*Mr. Mulock*—  
*Printed for Sessional Papers only.*

- 112.** Return to an Order of the House of Commons, dated 9th February, 1885, for a statement in detail showing amount of work done, contracts made and with whom, moneys paid and to whom, and all expenditures in connection with the improvements of Great Village River, in the county of Colchester, Nova Scotia. Presented to the House of Commons, 24th March, 1885.—*Mr. Robertson (Shelburne)*.....*Not printed.*

- 113.** Return to an Order of the House of Commons, dated 12th March, 1885, for: 1. The names of all persons who tendered for the construction of the drill shed at Quebec. 2. The amount asked by each person so tendering. 3. The amount of the cheque deposited by each such person in support of his tender, with the names of the signers and endorsers of each cheque, and the names of the several banks by which such cheques were accepted. Presented to the House of Commons, 26th March, 1885.—*Mr. Landry (Montmagny)*.....*Not printed.*

- 114.** Return to an Order of the House of Commons, dated 12th March, 1885, for a copy of report of the Superintendent of Burlington Bay Canal of the soundings taken during the summer of 1884, the plottings and cross-sections made, showing the present conformation of the bottom of the said canal, together with a statement showing the depths on both sides, as well as all plans giving information in reference to said soundings. Presented to the House of Commons, 26th March, 1885.—*Mr. Robertson (Hamilton)*.....*Not printed.*

- 115.** Return to an Order of the House of Commons, dated 17th February, 1885, for a report of the Auditor General and also one McGee, as well as for all papers, letters, accounts, cheques and newspapers connected with any claim of Staff Commander Boulton against the Department of Marine and Fisheries or the Government for any amount of money which he alleges to be due him for salary or otherwise, or which he asserts has been withheld from him, or in relation to any dispute between said Boulton and any officer of the Marine and Fisheries Department in regard to cheques drawn in favor of said Boulton. Also a Return to an Order of the House of Commons, dated 2nd March, 1885, for a return of any papers or letters in the hands of the Government signed by Deputy Minister Smith, bearing on the subject of dispute or irregularity between Deputy Minister Tilton and Staff Commander Boulton, or in any way relating thereto; also copies of any letters addressed to Mr. Tilton by Mr. Smith, as Deputy Minister, on the subject. Presented to the House of Commons, 30th March, 1885.—*Mr. McMullen*.....*Not printed.*

- 116.** Papers and correspondence, up to the present time, with respect to the commission recently appointed to investigate and report upon the claims existing in connection with the extinguishment of the Indian title preferred by half-breeds resident in the North-West Territories outside of the limits of the Province of Manitoba, previous to the 15th day of July, 1870. Presented to the House of Commons, 20th April, 1885.—*Mr. Blake*.....*Printed for Sessional Papers only.*

- 116a.** Copy of commission appointing commissioners to make enumeration of half-breeds in the North-West Territories previous to the 15th July, 1870. Presented to the House of Commons, 22nd April, 1885, by Sir John A. Macdonald.....*Printed for Sessional Papers only.*

- 116b.** Certified copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th April, 1885, for instructions

given to the three commissioners appointed to proceed to the North-West to enquire into and adjudicate upon the claims of the half-breeds and others in the Saskatchewan settlement. Presented to the Senate, 20th April, 1885.—*Hon. Mr. Alexander*—

*Not printed. See 116.*

**116c.** Papers and correspondence in relation to claims for land in the Prince Albert district, North-West Territories. Presented to the House of Commons, 27th April, 1885.—*Mr. Blake.*

*Not printed.*

**116d.** Return to an Order of the House of Commons, dated 7th March, 1883, for copies of all correspondence and memorials relating to the claims of the inhabitants of Prince Albert and the neighboring districts, in the North-West Territories, in respect of the lands they occupy, and to other matters affecting their condition. Presented to the House of Commons, 5th May, 1885.—*Mr. Blake*.....*Not printed.*

**116e.** Papers and correspondence in connection with half-breed claims and other matters relating to the North-West Territories. Presented to the House of Commons, 11th June, 1885.—*Mr. Blake*.....*Printed for Sessional Papers only.*

**116f.** Papers and correspondence in connection with half-breed claims and other matters relating to the North-West Territories. Presented to the House of Commons, 22nd June, 1885.—*Mr. Blake*.....*Printed for Sessional Papers only.*

**116g.** Papers and correspondence in connection with half-breed claims and other matters relating to the North-West Territories. Presented to the House of Commons, 30th June, 1885.—*Mr. Blake*.....*Not printed.*

**116h.** Copy of the Official Report from Major-General Middleton, C.B., commanding the North-West field forces, concerning the engagements at Fish Creek on the 24th April, 1885; Pound-maker's Camp (near Crees' Reserve), 2nd May, 1885; and Batoche, 9th, 10th, 11th and 12th May, 1885. Presented to the House of Commons, 6th July, 1885, by Hon. J. P. R. A. Caron—*Printed for Distribution only.*

**116i.** Plan and Views of Engagement at Fish Creek on the 24th April, 1885. Presented to the House of Commons, 16th July, 1885, by Hon. J. P. R. A. Caron.....*Not printed.*

**117.** Return to an Order of the House of Commons, dated 12th March, 1885, for copies of all reports, correspondence, petitions, &c., in reference to the seizure of the schooner "Lion," of the Port of Barrington, in Nova Scotia, in December, 1883. Presented to the House of Commons, 31st March, 1885.—*Mr. Robertson (Shelburne)*.....*Not printed.*

**118.** Return to an Order of the House of Commons, dated 12th March, 1885, for all correspondence with reference to the making of a road on the Indian Reserve at Fort William, Ontario, and the expenditure thereon of funds belonging to the Indians, and particularly with reference to the payments to be made to the licensees, for stumpage or otherwise, for the timber required in the construction of the bridges on the road. Presented to the House of Commons, 7th April, 1885.—*Mr. Blake*.....*Not printed.*

**118a.** Return to an Address of the House of Commons, dated 27th April 1885, for copies of all correspondence and Orders in Council in any way bearing upon the subject of purchase or offers of purchase of Indian reserve lands in British Columbia, of a date subsequent to 1st June, 1882. Presented to the House of Commons, 30th June, 1885.—*Mr. Baker (Victoria)*—*Not printed.*

**119.** Return to an Order of the House of Commons, dated 23rd March, 1885, for a Return showing, if any, and, if so, what sum or sums of money have been paid to J. E. Collins for services rendered to the Government; also showing travelling and other expenses paid him, if any; and showing in what position or capacity he is employed. Presented to the House of Commons, 8th April, 1885.—*Mr. McMillen*.....*Not printed.*

**120.** Return to an Order of the House of Commons, dated 23rd March, 1885, for copy of the record in the matter of Eugene Gosselin, of St. Charles de Bellechasse, *versus* the Queen, as it stands



in the office of the Supreme Court of Canada, including the proceedings before the Exchequer Court and before Dominion Arbitrators. Presented to the House of Commons, 8th April, 1885.

—*Mr. Amyot*.....*Not printed.*

**121.** Return to an Address of the House of Commons, dated 12th March, 1885, for copies of petitions or correspondence in reference to making Ridgeway a port of entry. Presented to the House of Commons, 21st April, 1885.—*Mr. Casey*.....*Not printed.*

**122.** Return to an Order of the House of Commons, dated 23rd March, 1885, for a Return of all sums (apart from his salary as county judge) which have been paid to G. M. K. Clarke in each of the years 1879, 1880, 1881, 1882, 1883 and 1884, respectively, and for what services in each year; also what sums, if any, have been paid him from the 1st January, 1884, to this date. Presented to the House of Commons, 13th April, 1885.—*Sir Richard Cartwright*—

*Not printed.*

**123.** Return to an Address of the House of Commons, dated 23rd March, 1885, for copies of all correspondence having reference to the appointment of a joint commission with the United States Government for surveying the boundary line between the Province of British Columbia and the United States Territory of Alaska. Presented to the House of Commons, 13th April, 1885.—*Mr. Gordon*.....*Not printed.*

**123a.** Return to an Address of the House of Commons, dated 12th March, 1885, for copies of all correspondence with the Government of British Columbia and Imperial Government, in relation to the eastern boundary of that province. Presented to the House of Commons, 5th May, 1885.—*Mr. Mills*.....*Not printed.*

**123b.** Return to an Address of the House of Commons, for copies of all Orders in Council, Imperial, Canadian or provincial, in the hands of the Government, and not already laid before Parliament, relating to the disputed boundaries of Ontario. Also all despatches and correspondence with any of the provinces and with the Imperial Government upon the same subject. Presented to the House of Commons, 23rd June, 1885.—*Mr. Mills*—

*Printed for Sessional Papers only.*

**124.** Return to an Order of the House of Commons, dated 4th February, 1885, for all Customs collections in Algoma during the six months ending 31st December, 1884, showing the amount collected at Port Arthur and its outports, and at Sault Ste. Marie and its outports, respectively; also the amount collected at Spanish River and such other stations in Algoma as report to Collingwood. Presented to the House of Commons, 13th April, 1885.—*Mr. Dawson*.....*Not printed.*

**125.** Return to an Order of the House of Commons, dated 17th February, 1885, for all correspondence from 1st January, 1884, to 1st January, 1885, between W. H. Rogers, inspector of fisheries for Nova Scotia, also Mr. Sellon, overseer of river fisheries for Liverpool, Queen's county, Nova Scotia, also between John Millard, J. Newton Freeman, S. J. R. Bill and others, and the Government or Department of Marine and Fisheries, in reference to a breach of the "Sawdust Law," by putting mill rubbish and shingle shavings into the Mersey River; showing also what fines have been imposed and how many collected; if not collected, whether remitted. Presented to the House of Commons, 16th April, 1885.—*Mr. Forbes*.....*Not printed.*

**125a.** Return to an Order of the House of Commons, dated 1st April, 1885, for copies of all correspondence and reports from W. H. Rogers, inspector of fisheries for Nova Scotia, to the Department of Marine and Fisheries, relating to the adoption of Rogers' patented fish ladder, and the places at which the said inspector recommends that it should be placed; also any instructions from the Department concerning the same. Also a statement of moneys claimed or paid, as a royalty or otherwise, on account of patent fishway, stating by whom and to whom such moneys were paid, together with an account of any other moneys paid by the Department, and to whom, towards the construction of Rogers' fish ladder, the Return to cover the years 1880, 1881, 1882, 1883 and 1884. Presented to the House of Commons, 30th June, 1885.—*Mr. Robertson (Shelburne)*.....*Not printed.*

**126.** Return to an Order of the House of Commons, dated 9th February, 1885, for the names of all Government officials in the North-West Territories, the date of their appointment, and the

date upon which they entered upon their respective duties; the salary, fee or other allowance granted to each, including travelling or other expenses; the names and respective locations of sheriffs and registrars, the date of their respective appointments, and the date upon which they entered upon their duties, and the date from which their salary commenced to run; the receipts of their respective offices, monthly or annually, from their establishment up to the 1st of January, 1885. Presented to the House of Commons, 16th April, 1885.—*Mr. Mullen*.....*Not printed.*

- 127.** Return (*in part*) to an Order of the House of Commons, dated 2nd March, 1885, for copies of all advertisements for tenders, of all specifications, and of all tenders received for fog horns and letter box fronts, from 1st January, 1884, to 31st January, 1885; also of all correspondence, contracts, accounts, receipts and documents relating to the furnishing of such fog horns and letter box fronts. Presented to the House of Commons, 16th April, 1885.—*Mr. Laurier*—  
*Printed for Distribution only.*

- 127a.** Supplementary Return to an Order of the House of Commons, dated 2nd March, 1885, for copies of all advertisements for tenders, of all specifications, and of all tenders received for fog horns and letter box fronts, from 1st January, 1884, to 31st January, 1885; also of all correspondence, contracts, accounts, receipts and documents relating to the furnishing of such fog horns and letter box fronts. Presented to the House of Commons, 22nd April, 1885.—*Mr. Laurier*.....*Not printed.*

- 127b.** Return to an Order of the House of Commons, dated 2nd March, 1885, for copies of all correspondence between the Government and one Captain Conally, or any other person, in regard to placing a fog horn or fog whistle on what is called the Dummy Lighthouse, near the head of Lake Erie. Presented to the House of Commons, 5th May, 1885.—*Mr. Jackson*—  
*Not printed.*

- 127.** 1880. Return to an Address of the House of Commons, dated 23rd February, 1880, for a copy of any Order or Orders in Council approving of the treaties made with the Indian tribes at Forts Carlton and Pitt in the year 1876, and of all despatches from the Minister of the Interior or his Deputy to the Commissioners, or any of them, communicating the same to them, and having reference to the terms embodied in such treaties, together with the replies of the said Commissioners, or any of them, to such despatches. Presented to the House of Commons, 5th April, 1880.—*Mr. White (Cardwell)*.....*Printed for Distribution only.*

- 128.** Return to an Order of the House of Commons, dated 17th January, 1885, for copies of all correspondence between the Government and the Captain of the Life Saving Service at Port Rowan, Province of Ontario, not already brought down. Presented to the House of Commons, 22nd April, 1885.—*Mr. Jackson*.....*Not printed.*

- 128.** 1880. Return to an Address of the House of Commons, dated 23rd February, 1880, for copies of all despatches from the Lieutenant Governor of Manitoba, relating to the reserve promised under the provisions of Treaty No. 1, relating to the reserve stipulated thereby to be assigned to the band of Indians in Manitoba of whom Yellow Quill was Chief; and of all correspondence and despatches from the Secretary of State, the Minister of the Interior, or the Deputy Minister of the Interior, addressed to the said Lieutenant Governor in reply or in relation thereto; also correspondence between the Government of Canada and the Hudson Bay Company on the subject. Presented to the House of Commons, 5th April, 1880.—*Mr. White (Cardwell)*.....*Not printed.*

- 129.** Return to an Order of the House of Commons, dated 3rd March, 1884, for a Return showing the names, rank, present positions occupied, length of service at sea, of each individual who has received a certificate of either competency or service under the Act passed last Session, making provision for the examination of masters and mates of coasters and inland waters, from the passage of said Act to the nearest possible date, for each and every province of the Dominion; as also a statement giving dates and names of applicants who have been refused certificates of service, or whose certificates have been for some reason withheld, and the reasons for such refusals or retentions. Presented to the House of Commons, 22nd April, 1885.—*Mr. Baker (Victoria)*.....*Not printed.*



**130.** Return to an Address of the House of Commons, dated 17th February, 1885, for copies of all Orders in Council, despatches and correspondence between the Government of Canada and the United Kingdom, and between the Government of Canada and Her Majesty's Ambassador at Washington, not already brought down, relating to the subject of extradition and extradition arrangements. Presented to the House of Commons, 23rd April, 1885.—*Mr. Blake—Printed for Sessional Papers only.*

**130a.** Return to an Address of the House of Commons, dated 9th February, 1885, for a statement with reference to the cases in which demands for extradition have been made by or upon the Government of Canada, or in which extradition proceedings have been taken in continuation of, and in the same form as, the statement transmitted by the Government of Canada to the Government of the United Kingdom, in or about the year 1876. Presented to the House of Commons, 5th May, 1885.—*Mr. Blake.....Printed for Sessional Papers only.*

**131.** Return to an Address of the House of Commons, dated 20th February, 1885, for a copy of the Order in Council creating the Forestry Commission, and appointing Mr. J. H. Morgan as such commissioner; also a copy of the recommendation on which such Order in Council was based. Presented to the House of Commons, 23rd April, 1885.—*Mr. Rykert.....Not printed.*

**131a.** Return to an Address of the House of Commons, dated 17th February, 1885, for a copy of Order in Council appointing J. H. Morgan as Forestry Commissioner; also copy of instructions accompanying the same; also date of report from the said J. H. Morgan which appears as part of the last report of the Minister of the Interior, and copies of any subsequent reports and the date on which the same were received by the Department; also statement of any payments made to the said J. H. Morgan subsequent to those appearing in the Public Accounts of 1884. Presented to the House of Commons, 26th May, 1885.—*Mr. Paterson (Brant)—Not printed.*

**132.** Return to an Address of the Senate, dated 6th March, 1885, for a Return of all exports from ports on Hudson and James Bays, other than York Factory, of furs, fish, whale, seal or porpoise oil. Presented to the Senate, 20th April, 1885.—*Hon. Mr. Schulz.....Not printed.*

**133.** Return to an Order of the House of Commons, dated 27th April, 1885, for a Return of all correspondence and petitions from mariners, vessel owners and others, not already brought down, relative to the selection of a route for the construction of the Murray Canal, or the character of the harbors afforded by Presqu'Isle and Weller's Bay respectively. Also all offers made by tenders or otherwise to construct said canal by any other than the adopted route, together with all reports as to progress of work of construction in possession of the Government. Presented to the House of Commons, 14th July, 1885.—*Mr. Cockburn.....Not printed.*

**134.** Return to an Order of the House of Commons, dated 23rd March, 1885, for a Return of any orders or instructions of the Railway Department as to the sale of return tickets, limiting the periods in which such tickets can be used; also of any claims made by persons holding such tickets for damages for being ejected from the cars, and what amounts, if any, have been paid for such claims. Presented to the House of Commons, 5th May, 1885.—*Mr. Weldon—Not printed.*

**135.** Return to an Order of the House of Commons, dated 12th February, 1885, for copies of all correspondence and petitions to the Postmaster General, or any member of the Government, with reference to the adoption in Canada of a system to encourage small savings, similar to that brought in by the late Mr. Fawcett in England. Presented to the House of Commons, 7th May, 1885.—*Mr. Blake.....Not printed.*

**136.** Return to an Address presented by the Senate to His Excellency the Governor General, dated 17th March, 1885, praying His Excellency to cause to be laid before this House, copies of the reports of the various surveys made by engineers under the direction of the Government, for a line of railway connecting Montreal with the harbors of St. John and Halifax by the shortest and best practicable route (including the reports of Messrs. A. L. Light and Vernon Smith on the lines surveyed by them, respectively, running up the valley of the Etchemin River and from Canterbury, New Brunswick, to the northern end of Chesuncook Lake, in the

State of Maine); together with a statement showing the height of the summit level, the maximum grade per mile, the number of miles with a grade exceeding 42 feet, the average grade per mile, and the number and position of the curves with a less radius than 1,910 feet, upon each of such surveyed lines, as well as upon any existing railway proposed to be used in connection with any such surveyed lines; and also a detailed statement of the distances from Montreal to St. John and Halifax by each of such surveyed lines and the existing railways proposed to be used in connection therewith. Presented to the Senate, 5th May, 1885.—*Hon. Mr. Power*.....*Printed for both Distribution and Sessional Papers.*

**136a.** Return to an Address of the House of Commons, dated 3rd February, 1885, for copies of all Orders in Council, instructions given, reports of engineers, and all documents whatsoever, in relation to the selection of the shortest and best line for a railway between the present terminus of the Canadian Pacific Railway and one of the seaports of the Maritime Provinces. Presented to the House of Commons, 20th July, 1885.—*Mr. Landry (Montmagny)*.....*Not printed.*

**137.** Return to an Address of the House of Commons, dated 17th February, 1885, for copies of all correspondence, Orders in Council, contracts, and other papers in connection with the projected railway between Oxford and New Glasgow, in Nova Scotia, or in relation to any of the companies or individuals negotiating for the construction of any part of the projected short line within the bounds of the Province of Nova Scotia, and particularly an instrument signed by Sir Charles Tupper, the Minister of Railways, about the 9th May, 1884, whereby he, as representing the Crown, entered into certain engagements with Norvin Green, president of the Montreal and European Short Line Company, or with that company; and of all Orders or arrangements cancelling the said agreement; and of the evidence as to the ability of the company on which said agreement was made; and of all Orders and authorities under which the Oxford Branch Railway was completed or money thereon expended out of the Intercolonial appropriation; and of all agreements in connection with such expenditure, and of all statements, representations and letters made by or on behalf of contractors, companies, railway companies, construction companies, laborers, merchants or others, who have been concerned in the work, and of all reports made to any department or to Council upon any of the above subjects. Presented to the House of Commons, 8th May, 1885.—*Mr. Blake*—

*Printed for Sessional Papers only.*

**137a.** Supplementary Return to an Address of the House of Commons, dated 17th February, 1885, for copies of all correspondence, Orders in Council, contracts and other papers in connection with the projected railway between Oxford and New Glasgow, in Nova Scotia, or in relation to any of the companies or individuals negotiating for the construction of any part of the projected Short Line within the bounds of the Province of Nova Scotia; and particularly an instrument signed by Sir Charles Tupper, then Minister of Railways, about 9th May, 1884, whereby he, as representing the Crown, entered into certain engagements with Norvin Green, president of the Montreal and European Short Line Company, or with that company; and of all Orders or arrangements cancelling the said agreement, and of the evidence as to the ability of the company on which said agreement was made; and of all Orders and authorities under which the Oxford Branch Railway was completed, or money thereon expended out of the Intercolonial appropriation, and of all agreements in connection with such expenditure; and of all statements, representations and letters made by or on behalf of contractors, companies, railway companies, construction companies, laborers, merchants or others, who have been concerned in the work; and of all reports made to any department or to Council upon any of the above subjects. Presented to the House of Commons, 14th July, 1885.—*Mr. Mills*—

*Not printed.*

**137b.** Return to an Address of the House of Commons, dated 11th February, 1885, for copies of all reports made by engineers employed by the Great American and European Short Line Railway Company in Nova Scotia and Cape Breton, with the plans, papers and correspondence connected therewith; also for copies of all correspondence with the Dominion Government and the Government of Nova Scotia on the same subject; also copies of all contracts by and between the said company and other persons; also a statement of all moneys paid out and expended on contracts for salaries, wages and labor; showing also the amounts, if any, still due and owing by the said company to their contractors, agents or workmen; and also a statement of the



number of miles completed and graded in each of the counties of Cumberland, Colchester and Pictou. Presented to the House of Commons, 14th July, 1885.—*Mr. Paint*.....*Not printed.*

- 138.** Return to an Order of the House of Commons, dated 23rd March, 1885, for copies of all reports, correspondence, and surveys, if any, in the Department of Public Works, as to the improvement of the North Saskatchewan River, for the purpose of navigation. Presented to the House of Commons, 28th May, 1885.—*Mr. McCallum*—

*Printed for both Distribution and Sessional Papers.*

- 139.** Return to an Address of the House of Commons, dated 27th April, 1885, for all letters and correspondence had between the Dominion Government or any of its members and the Local Government of New Brunswick or any of its members, on the subject of the building of a foot and carriage bridge on the St. John River, at or near Fredericton. Presented to the House of Commons, 11th May, 1885.—*Mr. Landry (Kent)*.....*Printed for Distribution only.*

- 139a.** Supplementary Return to an Address of the House of Commons, dated 27th April, 1885, for all letters and correspondence had between the Dominion Government or any of its members and the Local Government of New Brunswick, or any of its members, on the subject of the building of a foot and carriage bridge on the St. John River, at or near Fredericton. Presented to the House of Commons, 9th June, 1885.—*Mr. Landry (Kent)*..*Printed for Distribution only.*

- 140.** Reports of Messrs. Perley and Guerin as to works respecting which application has been made on the River Ottawa and Lake Temiscaming; together with the memorandum of the Reverend Father Paradis, O.M.I. Presented to the House of Commons, 11th May, 1885, by Sir Hector Langevin.....*Printed for Distribution only.*

- 141.** Return to an Order of the House of Commons, dated 28th March, 1884, showing the total cost of old and new works, with expenditure for repairs and maintenance in each year since Confederation: 1. For cost of Welland Canal. 2. For new works, repairs, and all incidental expenses connected therewith. 3. For maintenance. 4. For revenue derived therefrom. 5. For return similar to that contained in 1, 2, 3 and 4, connected with the St. Lawrence Canals. 6. For estimated cost for deepening and completing the St. Lawrence Canals to a depth of twelve and fourteen feet, separately. Presented to the House of Commons, 16th May, 1885.—*Mr. McCraney*.....*Not printed.*

- 142.** Return to an Order of the House of Commons, dated 27th April, 1885, for a Return of instructions to the health officers of the ports in the Province of New Brunswick, and quarantine regulations issued by the Department of Marine and Fisheries or the Department of Agriculture relating to these ports. Presented to the House of Commons, 16th May, 1885.—*Mr. Weldon*.....*Not printed.*

- 143.** Return to an Order of the House of Commons, dated 27th April, 1885, for a Return showing the actual cost of laying the telegraph cable from Clover Point, Victoria, British Columbia, across the Straits of Juan de Fuca to a point at or near Dungeness, W.T.; said return to give the names of persons to whom sums have been paid; the nature and extent of services rendered, entitling them to such payments; the cost of the cable, time occupied in laying said cable, and its length. Presented to the House of Commons, 18th May, 1885.—*Mr. Baker (Victoria)*.....*Not printed.*

- 144.** Return to an Address of the House of Commons, dated 9th March, 1885, for: 1. Copies of all demands and claims made by the town of Emerson on the Government for financial or other aid, and all correspondence respecting the same. 2. Copies of all Orders in Council or departmental orders respecting such demands or claim, and the action or decision of the Government thereon. Presented to the House of Commons, 18th May, 1885.—*Mr. Cameron (Huron)*.....*Not printed.*

- 145.** Return to an Order of the House of Commons, dated 17th February, 1885, for a statement showing the names of all persons employed by the Department of Public Works or other department of the Government as inspectors or clerks of works on any building or other public work since 1873-74 until 1883-84 inclusive, with statement showing the amount paid to

such persons for services as such officials, and the rate per month or per diem to each; also the gross amount expended by the Government in each year on such works under the inspection of each clerk of works; also a statement showing the actual profession or calling of each such clerk of works. Presented to the House of Commons, 26th May, 1885.—*Sir Richard Cartwright*—*Not printed.*

**146.** Return to an Address of the House of Commons, dated 27th April, 1885, for all the correspondence, papers and report of the officers of Customs at the port of Halifax and any other port, in connection with the entry by A. & W. Mackinlay, as agents of Thomas Nelson & Son, of school books at an undervaluation. Presented to the House of Commons, 26th May, 1885.—*Mr. Rykert*.....*Not printed.*

**146a.** Return to an Address of the House of Commons, dated 27th April, 1885, for all papers, correspondence and reports with reference to Nelson & Son's consignment of school books to the late firm of James Campbell & Sons, Toronto. Presented to the House of Commons, 26th May, 1885.—*Mr. Wallace (York)*.....*Not printed.*

**146b.** Return to an Address of the House of Commons, dated 27th April, 1885, for all the correspondence, papers and report of the officer of Customs for the port of Toronto, in connection with the seizure of school books entered at an undervaluation by Thomas Nelson & Son, Edinburgh. Presented to the House of Commons, 26th May, 1885.—*Mr. Rykert*....*Not printed.*

**146c.** Supplementary Return to an Address of the House of Commons, dated 27th April, 1885, for a Return of all papers, correspondence and reports with reference to Nelson & Son's consignments of school books to the late firm of James Campbell & Sons, Toronto. Presented to the House of Commons, 26th June, 1885.—*Mr. Wallace (York)*.....*Not printed.*

**146d.** Supplementary Return to an Address of the House of Commons, dated 27th April, 1885, for a Return of all the correspondence, papers and report of the officer of Customs at the port of Halifax, and any other port, in connection with the entry by A. & W. Mackinlay, as agents of Thos. Nelson & Son, of school books at an undervaluation. Presented to the House of Commons, 26th June, 1885.—*Mr. Rykert*.....*Not printed.*

**146e.** Supplementary Return to an Address of the House of Commons, dated 27th April, 1885, for a Return of all the correspondence, papers and report of the officer of Customs at the port of Toronto, in connection with the seizure of school books entered at an undervaluation by Thos. Nelson & Son, of Edinburgh. Presented to the House of Commons, 26th June, 1885.—*Mr. Rykert*.....*Not printed.*

**147.** Return to an Order of the House of Commons, dated 27th April, 1885, for a Return showing :  
1. The detailed amounts actually due to the Supervisor of Cullers at Quebec for culling and measuring. 2. The names of all parties indebted, and the date of incurring of each liability. Presented to the House of Commons, 28th May, 1885.—*Mr. De St. Georges*.....*Not printed.*

**148.** Return to an Address of the House of Commons, dated 12th March, 1885, for copies of all Orders in Council, agreements and correspondence in the possession of the Government since 1872, respecting the Windsor Branch Railway; also copies of pleadings and verdicts in the various suits at law respecting the same branch. Presented to the House of Commons, 9th June, 1885.—*Mr. Kinney*.....*Not printed.*

**149.** Return to an Order of the House of Commons, dated 9th March, 1885, for all correspondence between the Auditor-General and the Department of Marine and Fisheries, relating to an Order of this House made on the 28th March last, for a return showing all sums received by the Department of Marine and Fisheries on account of rental of rivers and streams, &c.; or in any way relating to any irregularity or inaccuracy connected with matters of the said Department. Presented to the House of Commons, 28th May, 1885.—*Mr. McMullen*—*Not printed.*

**150.** Return to an Address of the House of Commons, dated 8th April, 1885, for all papers concerning the appointment, instruction and salary of Mr. Hector Fabre, as Canadian agent at Paris, France, and the reports from that gentleman to the Government since his appointment. Presented to the House of Commons, 2nd June, 1885.—*Mr. Bergeron*—*Printed for Distribution only.*



- 151.** Return to an Address of the House of Commons, dated 12th March, 1885, for copies of all correspondence which has taken place between the Dominion Government and the Local Government of New Brunswick, with reference to the Northern and Western Railway, since May, 1884, up to February, 1885. Presented to the House of Commons, 11th June, 1885.—*Mr. Temple*.....*Not printed.*
- 152.** Return to an Address of the Senate, dated 20th April, 1885, for copies of all memorials, letters or telegrams addressed to the Railway Department, respecting the establishment of the York station on the Prince Edward Island Railway, and the answers thereto; also copies of any memorials, letters or telegrams, which may have been received by that Department, having reference to the abolition of the said station, and the replies, if any, made thereto. Presented to the Senate, 16th June, 1885.—*Hon. Mr. Haythorne*.....*Not printed.*
- 153.** Return to an Order of the House of Commons, dated 11th March, 1885, for a Return showing the amount of money paid for injuries to parties in the Mounted Police since 1878, specifying the names of the parties injured, the nature of the injuries, the amount of money paid, and to whom paid. Presented to the House of Commons, 7th April, 1885.—*Mr. Somerville (Brant)*—*Not printed.*
- 153a.** Annual Report of the Commissioner of the North-West Mounted Police Force for the year 1884. Presented to the House of Commons, 23rd June, 1885.—*Sir John A. Macdonald*—*Printed for both Distribution and Sessional Papers.*
- 154.** Return (*in two parts*) to an Order of the House of Commons, dated 12th March, 1885, for a return showing:—1. Total number of depositors in the Savings Banks, Post Office, or other banks holding deposits of \$1,000 or upwards; also the amount so held. 2. Total number of depositors having deposits of less than \$1,000 and more than \$500 each; also the total amount so held. 3. Total number of said depositors holding less than \$500 each; also total amount so held. Presented to the House of Commons, 30th June, 1885.—*Sir Richard Cartwright and Mr. Fairbank*.....*Not printed.*
- 155.** Return to an Order of the House of Commons, dated 27th April, 1885, for copies of all correspondence and papers relative to the dismissal of George E. Cherrier from the Indian Agency in Caughnawaga; also of the reports of the investigation into the affairs of the agency held by Mr. de Boucherville in 1883, and by A. Dingman in 1884, with copies of all instructions at any time given by the Department to Mr. Cherrier. Presented to the House of Commons, 30th June, 1885.—*Mr. Bain (Wentworth)*.....*Not printed.*
- 156.** Return to an Order of the House of Commons, dated 12th March, 1885, for a Return of all hardware purchased at Halifax by the Department of Marine and Fisheries, from 1st July, 1878, to 31st December, 1884; the names of the firms who furnished the supplies, amount supplied by each firm in each year; the names of the firms who supplied stoves, galvanized and tinware, in each year from 1st October, 1878, to 31st December, 1884, showing if by tender, whose tender was accepted, and if tenders asked for each year. Presented to the House of Commons, 30th June, 1885.—*Mr. Forbes*.....*Not printed.*
- 157.** Return to an Order of the House of Commons, dated 11th March, 1885, for a Return showing the number of days W. Ingles Bradley, a clerk in the Department of Railways, has been registered on the Departmental Attendance Book since 1st July, 1884; also showing the number of days' attendance for which he has received payment, and the total amount paid, together with the name of the departmental officer certifying the account. Presented to the House of Commons, 14th July, 1885.—*Mr. Somerville (Brant)*.....*Not printed.*
- 158.** Return to an Order of the House of Commons, dated 27th April, 1885, for copies of all correspondence of a recent date between the Superintendent General of Indian Affairs and the agent of the Department in British Columbia, or any other person, upon the subject of establishing Indian schools in said province. Presented to the House of Commons, 14th July, 1885.—*Mr. Baker (Victoria)*.....*Printed for Sessional Papers only.*

- 158a.** Return to an Order of the House of Commons, dated 27th April, 1885, for a Return showing :  
 1. How many industrial schools for the instruction of Indian half-breed youth have been established in the Province of Manitoba and the North-West Territories respectively, under the authority and by permission of the Government of Canada, and where they are located. 2. At what places lands have been surveyed and set apart for Indian half-breed schools in 1884, and what quantity at each place. 3. Through whose representations and recommendations these half-breed schools are established from time to time, and whether any request from the Indian half-breeds themselves is required for the establishment of a school. 4. What subjects of instruction are provided for these schools in regard to industrial pursuits, moral and religious, and are both sexes included in the general school provisions. 5. Whether any of the Indian half-breed schools are placed under the care or supervision of any religious body or denomination; if so, what are the conditions upon which such control is granted, and what is the extent of the denominational control, and is it, to the extent granted, a temporary or permanent control; if there are denominational schools, what is the number belonging to each denomination, where they are located, and what quantity of land is owned or controlled by each, and what is the number of pupils. 6. Whether, when the moral and religious instruction of an Indian half-breed school is placed under the supervision or control of any denomination, it gives to the denomination control of the land and buildings of such school. 7. At whose cost the Indian half-breed school buildings are erected and furnished, and under whose directions the text books are selected or compiled, and by whom they are paid for. 8. What standing of attainment is required of teachers in these schools; how and from whom they receive certificates of qualification, and whether there is a system of Governmental inspection of these Indian half-breed schools. 9. Whether the teachers and trustees or managers of these schools are required to make any periodical returns to the Government of the attendance, general condition, progress and expenditure of each. 10. Whether any of the religious denominations have obtained lands for church or school purposes from the Government or from any Indian reservation by treaty or otherwise. 11. Whether any of the religious bodies, on their own responsibility, have established schools among the Indians or half-breeds, and if they have, whether they receive any assistance directly or indirectly by land grants or otherwise for the support of such schools from the Government. Presented to the House of Commons, 18th July, 1885.—*Mr. Kirk* ..... *Not printed.*
- 159.** Return to an Address of the House of Commons, dated 12th February, 1885, for copies of all correspondence, petitions and Orders in Council, relating to any applications by or on behalf of any railway company elsewhere than in Manitoba or the North-West, for aid or additional aid. Presented to the House of Commons, 14th July, 1885.—*Mr. Blake* ..... *Not printed.*
- 160.** Return to an Address of the House of Commons, dated 2nd March, 1885, for: 1. Copies of all correspondence between the Government and the North-West Council respecting the representation of the Territories in this Parliament. 2. Copies of all petitions, representations and correspondence addressed to the Government, or any member of it, on the same subject, and any replies thereto. 3. Copies of all petitions, representations and correspondence with the Government, or any member of it, on the subject of the establishment of Local Governments in the Territories, and of all replies thereto. Presented to the House of Commons, 15th July, 1885.—*Mr. Cameron (Huron)* ..... *Not printed.*
- 161.** Return to an Address of the House of Commons, dated 23rd March, 1885, for a Return of all correspondence, papers and documents which have passed between the Imperial Government and the Dominion Government or the Dominion Government and the Government of British Columbia, relative to the public reserves of British Columbia and to the claim of the Crown to the land between high and low water mark, and generally all information as to "fore shore" rights of the Dominion. Presented to the House of Commons, 15th July, 1885.—*Mr. Baker (Victoria)* ..... *Printed for Sessional Papers only.*



## A G R E E M E N T

(55e)

Made the Fifteenth day of May, in the year of Our Lord One Thousand Eight Hundred and Eighty-four, between Andrew Allan, Esquire, of the City of Montreal, in the Province of Quebec, in the Dominion of Canada, Shipowner, and the Hon. John Carling, Postmaster-General of the said Dominion.

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This agreement, made the 15th of May, in the year of Our Lord one thousand eight hundred and eighty-four, between Andrew Allan, Esq., of the city of Montreal, in the Province of Quebec, in the Dominion of Canada, shipowner, and the Hon. John Carling, Postmaster-General, of the said Dominion, witnesseth that:—

1. The said Andrew Allan, Esq., doth hereby promise and engage, and bind and oblige himself, his heirs and assigns, to establish, maintain and keep up a regular line of large and powerful steamers to ply between the port of Liverpool and the port of Quebec or Montreal, once in every seven days during the season of, and for the navigation of the River St. Lawrence, and between the port of Liverpool, Halifax and Portland, once also in every seven days during the winter, subject to the modifications, as to ports of call, which may be required under subsequent clauses.

2. That the said steamers shall be first-class vessels, and the line shall consist of the "Parisian," "Sardinian," "Polynesian," "Circassian," "Sarmatian," "Peruvian," "Nova Scotian," and such other vessels as may be subsequently built or purchased; but no steamer thus built or purchased is to be of less size or power than the "Sardinian."

3. That the said Andrew Allan agrees to perform the service to and from Liverpool, and to and from Quebec, or Montreal, during the St. Lawrence navigation, until its close every year, and to make at least twenty-six trips from Liverpool to Quebec, or Montreal, during the St. Lawrence navigation, and at least twenty-six trips from Quebec, or Montreal to Liverpool during the said time, and the communication between Liverpool and Halifax and Portland shall commence each year at the time of the close of the navigation of the River St. Lawrence, and shall continue until the opening thereof, and during that time the said Andrew Allan shall be bound to make weekly trips from Liverpool, to Halifax and Portland, and weekly trips from Portland and Halifax to Liverpool, so that during each year there shall be provided a weekly service of fifty-two voyages, both to and from America, the said contractor hereby binding himself to call with each of the said steamers, and receive and land the mails at Londonderry, or such other port in Ireland as may be, from time to time, decided upon by the Postmaster-General of Canada.

4. That one of the said steamers shall leave Liverpool, and one shall leave Quebec or Montreal, once every seven days during the St. Lawrence navigation season, and that one shall leave Liverpool, and Portland and Halifax respectively, also once every seven days during the time when the navigation shall be closed on the River St. Lawrence in the winter.

5. That the said contractor shall have the option, from time to time, of deciding on the port of Quebec, or that of Montreal, for the termination of the trips of the said vessels to the St. Lawrence, as the state of the water in the river and lake or other cause may, in his judgment, make it advisable, but he shall not have the right to terminate the voyage at Quebec without the sanction of the Postmaster-General,

except in cases when the steamer may reach Quebec too late to admit of an extension of the voyage to Montreal.

6. That the steamers are never to approach Cape Race when the weather is so foggy or tempestuous as to make it dangerous to do so.

7. That the service under this contract shall commence on the first day of April, eighteen hundred and eighty-four (1884) and shall continue up to and until the first day of April, eighteen hundred and eight-nine (1889), and shall not then terminate, but shall continue in force thereafter in all its provisions until either party to the contract shall give to the other party twelve months' previous notice of a desire to terminate the same, and then, and in such case, at the expiration of such twelve months' notice, the contract shall absolutely cease and determine, and during the continuance of the contract the said contractor shall be bound to carry, by each trip of the said steamers, such mails as may be given to him, or to the officers in charge of his vessels, by the Postmaster-General of Canada for transmission to Liverpool, or Ireland, or by the Post Office authority in Liverpool, or Ireland, for carriage to Canada, or such other mails between the said ports as may be required to be carried at the instance or by the command of the said Postmaster-General.

8. That the mails be received and delivered respectively by the contractor at Liverpool, Londonderry, Quebec, Halifax or Portland, as the case may be, and the expenses of conveying the mails to the steamships from the said places, and from the steamships to the said places, is to be borne by the contractor.

9. That there is to be no liability under this contract on the part of the said contractor for the contents of the said mails, when the same are not delivered, in case the failure to deliver the same is the result of the dangers of the sea, or of such as are peculiar to steam navigation, and not caused by neglect or want of proper skill, or by misconduct on the part of the said contractor, his agents or servants.

10. That the said contractor shall find and furnish sufficient accommodation and space on board each of the said steamers for keeping the mails, and for assorting and distributing the same on board, and to be called "Post Office," and to fit up such apartments in such manner as the said Postmaster-General shall require and also shall and will carry and transport on board each of such steamers, such officers and clerks, not exceeding two in number, in each steamer, for the purpose of guarding, assorting and taking care of such mails, and to find and provide them with the usual rations and cabin accommodation.

11. That the said contractor shall furnish and supply the said steamers with sufficient fuel, stores and provisions, tackle, and all things necessary to enable them to perform the voyages contracted for, and to secure the safety of the mails and passengers.

12. That the said contractor shall and will, from time to time, and at all times during the continuance of this contract, make such alterations or improvements in the construction, equipments or machinery of each and every of the said vessels which shall be used by him in the performance of this contract, as the advanced state of science may suggest; and advertise the sailing of the steamers in Europe and America, in such manner as the Governor in Council may direct.

13. That the said steamers shall, in summer, call to, land and receive mails at Rimouski, or any other point on the St. Lawrence, to be fixed by the Postmaster-General, so soon as adequate facilities for that purpose, shall be afforded, on their way up and down the St. Lawrence.

14. That the said steamers shall, in winter make Halifax their terminal port in Canada, and may terminate their winter voyages at Portland, or such other port as the Postmaster-General may, from time to time, designate or approve for that purpose, calling at Halifax on both the eastward and westward voyages for mails, passengers and freight.

15. That the days for the departure of the said steamers shall be appointed by his Excellency the Governor General in Council, and so often as he may think fit and proper for the best interests of the public service, provided that in each case of change two months' notice be given to the contractor by the Government.



16. That the said Postmaster-General shall, in case of need, have the right to delay the sailing of any of the said ships for the space of twenty four hours.

17. That the Postmaster-General shall have the right to delay the sailing of any of the said ships for a further space of time, not exceeding forty-eight hours, and for such additional delay the contractor shall be entitled to claim payment, at the rate of one hundred pounds currency for each twenty-four hours of delay, beyond the first twenty-four hours provided for in the preceding clause.

18. That the said Andrew Allan doth bind and oblige himself to have, at all times, the command of a sufficient number of steamers of the description aforesaid to perform the trips hereinbefore mentioned and agreed upon, and that the time occupied by the said steamers on the outward passage from Liverpool shall not exceed fourteen days, and on the homeward passage shall not exceed thirteen days on an average of the trips performed every three months, but if, from the prevalence of tempestuous weather, the outward passages from Liverpool to Portland, calling at Halifax, during the months of December, January and February, should in any year exceed fourteen days on an average of the trips performed during said three months, the said Andrew Allan shall not be subject to any penalty in consequence thereof, provided the average of such outward trips for the said named months does not exceed fifteen days.

19. That in reckoning the time occupied by the steamers on the outward voyages allowance shall be made for the time during which the steamers may wait at Londonderry for the arrival of the mails for Canada.

20. That when the presence of fog or ice makes it dangerous to run the vessel at full speed, it shall be the duty of the captain either to slacken the speed or to stop the vessel, as occasion may require, and the time lost by doing so, if proved to the satisfaction of the Postmaster-General, as hereinafter mentioned, shall be allowed to the contractor, in addition to the time specified for the length of the voyage.

21. That the proof shall be by a report of the facts, made and sworn to by the captain, and such other evidence as the contractor shall adduce, or the Postmaster-General shall require or obtain; and the proof to be submitted by the said Andrew Allan shall be submitted to the Postmaster-General immediately after the arrival of the steamer at her port, namely, at Quebec, Halifax, Portland or Liverpool. Such report and affidavit of the captain as to the time lost and the necessity thereof shall be sufficient *prima facie* evidence for the purpose of the preceding clause.

22. That in the event of any serious accident happening to any of the steamers employed under this contract, whereby she may be disabled from making her homeward voyage, the contractor will be at liberty to substitute another steamship to carry the mails for that trip only.

23. That the said contractor shall not be called upon to pay for Dominion lights, or other similar dues, during this contract, to which the said contractor, as the owner of the steamers to be employed on the said service, should be liable.

24. That in case the average length of the homeward voyages in any three months exceeds the contract time, subject to the allowances already provided for, the contractors shall pay one hundred pounds currency for every twenty-four hours of such excess for the first one hundred and forty-four hours' excess upon the aggregate of the voyages of such three months, as compared with the contract time, and two hundred pounds currency for every twenty-four hours of excess upon the first one hundred and forty-four hours of excess upon such three months' voyages.

25. That no penalty shall be incurred by any delay occasioned by shipwreck or accident, not arising from misconduct, or from want of skill or foresight on the part of the contractor or his servants, or occasioned by aiding vessels in distress, or their passengers.

26. That the said Andrew Allan doth bind and oblige himself to pay to the Receiver-General of Canada, for every trip not performed according to this contract, a penalty of five thousand dollars, and shall not be entitled to the payment for the trip or trips not made, in proportion to the amount of the present contract, for the whole of the trips contracted for.

27. That the said contractor engages that the steamships of the Allan Line sailing weekly on Saturday from Quebec for Glasgow during the St. Lawrence navigation.

season shall carry such mails, free of charge, as the Postmaster-General may desire to send by them, and will deliver the same to the Glasgow post office on arrival at that port.

28. That the present contract is made for and in consideration of the sum of one hundred and twenty-six thousand five hundred and thirty-three dollars and thirty-three cents (\$126,533.33) per annum, to be paid quarterly to the said contractor by the said Postmaster-General, the first payment to be made on the first day of July, eighteen hundred and eighty-four (1884).

29. That it shall be at the option of the Government of Canada to put an end to this contract, and render the same null and void at any time, should the terms and conditions thereof not be fairly fulfilled and carried out in their true and honest meaning, and this without being obliged to have recourse to law; but this contract shall not be voidable by the Government so long as the terms and conditions of it are fairly fulfilled and carried out in their true and honest meaning, and the right of the Government to annul the same for any cause shall be decided on by some tribunal having jurisdiction in such matters, if such there be, or by any tribunal which may be created or appointed by Parliament for this purpose, and such tribunal shall decide summarily, and without appeal by the said Andrew Allan, and may, for the sake of expedition and substantial justice, dispense with the forms and rules of procedure applicable to other cases.

30. That should the Government of Canada determine upon annulling the contract, no penalty shall be payable for the breach or any of the breaches for which this contract shall be so annulled.

31. That should the Postmaster-General appoint any other port in Ireland than Londonderry for receiving and delivering the mails, such other variation shall be made in the conditions of the contract as may be equitable in consequence of such changes of port.

32. That the said contractor will have the power to void this contract at any time by giving the Government twelve months' previous notice of his intention to do so.

33. That this contract is made subject to the sanction of Parliament at its next Session.

In witness thereof, the said parties have hereunto set their hands and seals this 15th day of May, in the year of Our Lord one thousand eight hundred and eighty-four.

Witness,

E. F. KING,  
P. O. Inspector,

ANDREW ALLAN, [L.S.]

Witness,

W. H. GRIFFIN,  
Deputy Postmaster-General.

JOHN CARLING, *Postmaster-General*, [L.S.]

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 12th April, 1884.*

On a report, dated 31st March, 1884, from the Postmaster-General, submitting an application from Mr. Andrew Allan, as representing the Allan line of mail steamships, urging the desire of his company for certain modifications in the conditions of the existing contract for the weekly conveyance of mails between Canada and the United Kingdom *via* the St. Lawrence in summer and *via* Halifax in winter.

The Postmaster-General observes that the present contract for this service was entered into in April, 1873, for five years, but to continue in force thereafter until twelve months' notice of termination by either party to the agreement, and, under this stipulation, now runs on, no such notice of termination having been given.

That under this contract the days of departure from either side of the Atlantic are to be appointed by His Excellency the Governor General in Council, and have hitherto been Thursdays from Liverpool, calling at Moville for mails, and on Satur-



days from Quebec, in summer, calling at Rimouski for mails, and on Saturdays from Halifax, in winter, calling at Moville (Derry) to land mails on the eastward voyages, both summer and winter.

The Minister represents that the subsidy paid is \$126,533 33 per annum, equal to £500 sterling per round voyage, and that Mr. Allan now asks:

1st. That the contract may be assured to his company for a term of seven years.

2nd. That whilst Thursday be continued as the day of sailing from Liverpool, that the day of sailing from Quebec may be changed from Saturday to Wednesday or Thursday in each week, with the object of reducing to that extent the time occupied by each steamer in accomplishing the double trip eastward and westward.

3rd. That the amount of subsidy be augmented from £500 stg. to £1,000 stg. per round trip.

The Postmaster-General has given his best attention to Mr. Allan's proposal, and in the interests of the efficient maintenance of this line of mail steamships, which, for mail purposes, as well as in other respects, has doubtless rendered much beneficial service to the country, he is of opinion that assent may reasonably be given to a renewal of contract for an assured term of five years, subject, of course, to satisfactory performance of the same, and that, like the present engagement, it may conveniently be made terminable thereafter upon a twelve months' notice to that end from either party to the contract.

The Postmaster-General is also of opinion the change in the day of sailing from Quebec, desired by Mr. Allan, may be conceded, without prejudice to the interests of correspondence, especially when the service is supplemented by the Saturday mail conveyance offered by the Allan Glasgow line, but this change of day of sailing from Quebec should not subject the Post Office to any material difference of cost in respect to the conveyance of the mails for embarkation at Rimouski.

The Postmaster-General, however, recommends that the amount of subsidy now paid to the Allan line should not be augmented, and he advises that he be authorized to arrange for the execution of a new contract for the Allan line mail service, in substitution for the existing contract, upon the same basis as to amount of subsidy, and embracing the modification above recommended as to duration of contract and day of sailing from Quebec.

The Committee advise that the requisite authority be granted accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Postmaster-General.





## MESSAGE

(61)

LANSDOWNE.

The Governor General transmits to the House of Commons two approved Minutes of Council, dated respectively, the 20th of May, 1884, and the 23rd of January, 1885, regarding the terms of the provisional settlement of the Claims of the Province of Manitoba.

GOVERNMENT HOUSE,

OTTAWA, 23rd February, 1885.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 23rd January, 1885.

The Sub-Committee, appointed to confer with Messrs. Murray and Norquay, of Manitoba, regarding the terms of settlement of the claims of that Province, have the honor to report that several meetings of the sub-committee have been held, and, after discussion, it was resolved that Mr. Pope should be requested to see Messrs. Murray and Norquay, and ascertain whether the terms to which the sub-committee were willing to advise assent would be acceptable to them.

The result of Mr. Pope's interview was the receipt of the following letter :—

OTTAWA, 10th January, 1885.

SIR,—Having been delegated by the Legislature of Manitoba to urge upon the Privy Council a reconsideration of its offer of the 20th May last, in settlement of the claims of the Province, we would respectfully suggest the following modifications as a basis of settlement :—

That the Dominion pay the Province annually the sum of \$100,000, in lieu of lands.

That the debt capital, in consideration of the above, be allowed on a population of 125,000 instead of 150,000, and that the Province waive its claim to reimbursement by the Dominion of costs incurred in the Government of the disputed territory, and the reference of the question of the settlement of the boundary between Ontario and Manitoba to the Judicial Committee of the Privy Council.

Although not authorized by the Legislature to accept any settlement, we are of opinion that the modifications suggested, leaving the other items of subsidy and concessions offered in the despatch of the 20th May last unchanged, would be favorably entertained by the Legislature.

We remain, Sir, your obedient servants,

A. MURRAY, *Speaker*.J. NORQUAY, *Provincial Treasurer*.

The Hon. JOHN HENRY POPE,  
Minister of Agriculture, Ottawa.

To this letter Mr. Pope, with the approbation of the sub-committee, replied on the same day as follows :—

OTTAWA, 10th January, 1885

GENTLEMEN,—Adverting to a proposed agreement in May last, for the purpose of settling questions in discussion between the Dominion and the Province of Manitoba, I recommend :

That such proposed agreement shall be modified by the propositions contained in the letter of Messrs. Murray and Norquay, of this day's date.

That Parliament should be asked to concur in such proposed agreement, as modified by such letters, on the condition that it be accepted by the Legislature of the Province of Manitoba as a settlement of all questions in discussion between that Province and the Dominion, up to the date of this letter.

And further, that it be a condition, if such proposed modified agreement is not accepted by the Legislature of the Province of Manitoba at its next Session, as a full settlement of all questions discussed, it shall become null and void.

I have, etc.,

J. H. POPE.

To the Hon. J. NORQUAY and the Hon. A. MURRAY.

Delegates from the Legislature of the Province of Manitoba.

The Sub-Committee submit this correspondence, and advise that the terms and conditions it sets forth be sanctioned and adopted by the Committee of the Privy Council as the basis of the settlement of the claims put forward by Manitoba.

The Committee concur in the report of the Sub-Committee, and submit the same for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th May, 1884.*

The Committee of the Privy Council have named a Sub-Committee to confer with Hon. Messrs. Murray, Norquay and Miller, duly accredited delegates from the Legislature of Manitoba, upon the subject embraced in the memorandum of instructions given by the said Legislature of Manitoba to the delegates, as well as many other matters affecting the Province.

The Sub-Committee, after having very fully discussed with the delegates all the points embraced in the said memorandum, and the other matters referred to, report as follows:—

That, following the order of the memorandum of instructions, the delegates urged with great earnestness:

1st. The right of the Province to the "control, management and sale of the public lands within its limits, for the public uses thereof, and the mines, minerals, wood and timber thereon, or an equivalent therefor, and to receive from the Dominion Government payment for the lands already disposed of by them within the Province, less cost of surveys and management;" and they, the Sub-Committee, having given to all the views advanced by the delegates in support of this claim the fullest consideration, and with every desire to meet their wishes, as far as possible, in the general interests of the Dominion, cannot advise the Council to recommend to Parliament to grant this request.

The lands of Manitoba hold a very different position, in relation to the Dominion Government, from the lands of the other provinces. Shortly after the union of the old provinces, the Government formed from that union, purchased at a large price in cash, all the rights, title and interest of the Hudson Bay Company, in and to the territory out of which the Province of Manitoba has been formed; it incurred, further, a very large expenditure to obtain and hold this territory in peaceable possession, and at a still further cost which is continuous and perpetual in extinguishing Indian titles and maintaining the Indians, so that the Dominion Government has a very large pecuniary interest in the soil, which does not exist in respect to any other of the confederated provinces.

The purpose expressed in the memorandum of instructions for which the lands are sought "is that they may be applied to the public uses of Manitoba,"



This purpose seems to be most fully met by the Federal Government already, viz., in providing railway communication to and through Manitoba in aiding the settlement of vacant lands, and in public works of utility to the Province.

It was urged by the delegates that the Canadian Pacific Railway is being constructed in fulfilment of the terms of union with British Columbia, and not in the interests of Manitoba and the North-West. The sub-committee, however, maintain that, desirable as it may be to have railway connection with this Province, Parliament would not have gone beyond the original proposition of a waggon road had not the Dominion Government been the owner, by purchase, of a large territory, which would be made accessible and valuable by railway, and largely contributory to the cost of so great an undertaking. Accompanying the proposition to construct a railway was the declaration that the lands of the North-West would bear a considerable proportion of the cost; and from time to time large subsidies in land were offered to any company that would undertake the work. In 1880 Parliament solemnly set aside one hundred million acres of those lands towards meeting the cost of the work; and in 1881 contracted with the Canadian Pacific Railway Company to hand over certain portions of constructed road, together with twenty-five millions of dollars in cash, and grant twenty-five million acres of land for the completion of the line. It was not to be expected that the lands could be made available to meet a cash expenditure, until some time after railway connection was had with and through them; and, therefore, the expenditure in construction and in cash subsidy, may be regarded as an advance, to be repaid from the lands. This cash expenditure or advance, when existing contracts are completed, may be stated as follows:—

Cash expenditure from Callander to Port Arthur, say	
subsidy.....	\$10,000,000
Port Arthur to Red River—Construction .....	15,000,000
Pembina Branch—Construction.....	1,500,000
Winnipeg and Western Boundary of Province—Subsidy	2,150,000

Total cash expenditure..... \$28,650,000

by the Dominion Government to make connection with and through the Province of Manitoba.

The Dominion Government has also set apart, at greatly reduced prices, lands to aid the construction of other roads in Manitoba and the Territories, and given free of cost a large acreage in aid of a line to Hudson Bay, so that the Dominion Government is as stated using the "public lands of Manitoba for the benefit thereof." Moreover, it should not be forgotten that it has provided, in the Act of 1881, for an annual cash payment of \$45,000, which was then accepted in lieu of public lands. Other considerations of vital import to the Province of Manitoba have much weight with your Sub-Committee. The success of all the undertakings by the Dominion Government, in and for the North-West, depends largely upon the settlement of the lands. Combined with a great expenditure in organizing and maintaining an immigration service abroad and at home, Parliament pledged its faith to the world that a large portion of those lands should be set apart for free homesteads to all coming settlers, and another portion to be held in trust for the education of their children. No transfer could therefore be made without exacting from the Province the most ample securities that this pledged policy shall be maintained; hence, in so far as the free lands extend, there would be no monetary advantage to the Province, whilst a transfer would most assuredly seriously embarrass all the costly immigration operations which the Dominion Government is making, mainly in behalf of Manitoba and the Territories.

The great attraction which the Canadian Government now offers, the impressive fact to the mind of the man contemplating emigration, is that a well known and recognized Government holds unfettered in its own hand the lands which it offers free, and that that Government has its agencies and organization for directing, receiving, transporting and placing the immigrant upon the homestead which he may select. And if the immigration operations of the Dominion, which involve so large

a cost, are to have continued success and to be of advantage to Manitoba and the North-West Territories, your Sub-Committee deem it to be of the utmost importance that the Dominion Government shall retain and control the lands which it has pre-claimed free to all comers. Were there other considerations of sufficient force to induce them to recommend their transfer to Manitoba, and, as a consequence, and by precedent the surrender to the Provinces to be created from the North-West Territory all the lands within their boundaries, then they would advise that the Provinces holding the lands should conduct their own immigration operations at their own expense.

The attention of the Sub-Committee has been directed to the procedure of the Federal Government of the United States, in the organization of new States, and they find that it rigidly retains the public lands of the State, except those it may appropriate for specific purposes, allotting to the State only swamp lands which, when drained, become a source of profit.

In the Province of Manitoba there is a considerable area of similar lands which when drained, are fit for settlement and very valuable.

It having been decided that the necessary works for drainage could be best supervised by the local authorities, an agreement was made with them to undertake certain portions of it for a moiety of the lands reclaimed.

The Sub-Committee submit that it is expedient to recommend to Parliament a modification of this arrangement, and that all lands in Manitoba, which can be shown to the satisfaction of the Dominion Government to be swamp lands, shall be transferred to the Provincial Government and inure wholly to its benefit.

This would place Manitoba, in respect to public lands, in as favorable a position as the States of the Union, irrespective of the annual allowance of \$45,000; whilst in public expenditure by the general Government, directly and indirectly for her advantage, Manitoba has been dealt with far more liberally than has any other Province or than any State of the Union by the Federal Government of the United States.

2nd. "The delegates urged the transfer to the Local Government of the lands set apart for education, with a view to capitalize the sums realized from sales and apply the interest accruing therefrom to supplement the annual grant of the Legislature in aid of education."

Had your Sub-Committee decided to recommend the first proposition, they might have regarded this somewhat differently, but inasmuch as the retention of the general lands involves the maintenance of a staff organization for their management, the Committee deem that the school lands can by that organization, be best cared for.

The Dominion Government has taken no action in relation to those lands without full consultation with the local authorities, and, pending sales, has sanctioned advance of \$60,000 on account for educational purposes.

Of past action Manitoba cannot complain, and with but one object, common to both Governments, and with the established practice of consultation, no just cause of complaint is likely to occur. Under the provisions of the law the proceeds of all sales will be invested in Government securities, and the interest received on account there for paid annually to the Government of the Province for school purposes. It is almost impossible to conceive a mode of management more likely to be satisfactory to the people and affording greater security for a trust deliberately and voluntarily set apart by the Dominion Government as sacred to the education of the children of settlers. Whilst the Dominion Government has thus wisely made a generous provision in aid of general education in the Province, the Sub-Committee submit that in view of the rapid increase of its population the time has come when provision may be made to secure the maintenance of a University capable of giving a proper training in the higher branches of education, and to obtain this end an allotment of land, not exceeding 150,000 acres, of fair average quality, should be selected by the Dominion Government and granted, as an endowment, to the University of Manitoba, to be held in trust for the purpose referred to, upon some basis or scheme to be framed by the University and approved by the Government of the Dominion.



3rd. "The adjustment of the capital account of the Province decennially, according to population, the same to be computed now at 150,000 souls, and to be altered until it corresponds to the amount allowed the Province of Ontario on that account."

At the confederation of the Provinces it was found advisable and necessary to allow to each a capital account, because large expenditures involving debts had been made by all the Provinces on works of a public character, such as canals, railways, harbors, piers, lights and public buildings, most of which were transferred to the Dominion Government.

It would have been manifestly unfair to have transferred the assets without providing for the debts which they created, and for which each Province was liable.

To meet this, a rate per head of the population was adopted, and found to meet the case, as the debts of the Province were nearly in proportion to the population.

Subsequently, upon the admission of other Provinces, it was found that their debts did not reach the same *per capita* allowance given to those first confederated, but it was held that, although the Province had not made the expenditure, it was desirable to give it the same allowance, the surplus, after covering indebtedness, to form a capital, the interest of which would enable its Government to make such internal improvements as were of provincial and general benefit. Upon the organization of Manitoba a similar course was pursued and the population estimated at 17,000. This was a small number for a Province, and it may be fair to assume that in ordinary circumstances the expenses and responsibilities of Government would not have been placed when a population so small, a *per capita* allowance based on that population, did not give a sum sufficient to meet any considerable expenditure, and in consequence the Provincial Government has drawn upon the capital sum, and the Dominion has also made expenditures within the Province, which are held to be strictly local, and which, in the other Provinces, were borne out of provincial funds. The population of the Province having now largely increased it is desirable that the Province shall be placed, so far as practicable, in a position to maintain the necessary local expenditure, and the Sub-Committee recommend that the same *per capita* allowance as was made on a population of 17,000 be now made on 150,000, and that the capital sum therefrom be charged with such advances as have already been made from the former capital account, and such expenditures as the Dominion Government has made within the Province of a strictly local character. To meet the expenditures of the present fiscal year it is estimated that, in consequence of the construction of a lunatic asylum and other exceptional services, another advance from the old capital account, to the extent of \$150,000, will be necessary, and the Committee advise that, under the provision of the Act creating the Province, it be made and held chargeable against the capital account or any re-adjustment thereof sanctioned by Parliament.

4th. "The right of the Province to charter lines of railway from any one point to another within the Province, except so far as the same has been limited by its Legislature in the Extension Act of 1881."

This question has no doubt arisen in consequence of the disallowance of certain Acts of incorporation granted by the Legislature of Manitoba, which were held to conflict with the spirit of Canadian policy, as embodied in the Canadian Pacific Railway Act, which contains a clause preventing the Dominion Parliament authorizing the construction of any railway south of the Pacific line and running from any point at or near the Canadian Pacific Railway, except such lines as shall run south-west, nor to within 15 miles of latitude 49°. Throughout the whole discussion upon the Pacific Railway, both in and out of Parliament, up to the ratification of the contract of 1880, there was no proposition received with so great unanimity and approval as that the railway should not, at least for a time, whether constructed by the Government or a company, be tapped by lines running into the United States and its legitimate traffic drawn to that country instead of passing down to the seaboard over Canadian soil. Not only was this held to be in the interest of the whole people, but it is safe to assert that a company could not have been found to undertake the work without this guarantee. Whatever the provisions of the Canadian Pacific Railway Act are, the Province of Manitoba had in advance assented to, in accepting an exten-

sion of her boundaries and an increase of area about tenfold, under an Act which provided "That the said increased limit and territory thereby added to the Province of Manitoba shall be subject to all such provisions as may have been or shall hereafter be enacted respecting the Canadian Pacific Railway and the lands to be granted in aid thereof." Having accepted the increased area upon the above conditions, and knowing the long avowed policy of Parliament to prevent the legitimate trade of the country and traffic of the Canadian Pacific Railway being diverted to the United States, the Sub-Committee consider that no injustice will be done to the people of Manitoba by the exercise of such supervision by the Dominion Government over the railway charters sought from the Dominion Parliament or passed by the Legislature of Manitoba, as will maintain this policy and the condition of the Canadian Pacific Railway Act until the expiry of the time named therein, or until the road opened and trade established, when, it is believed, it may be repealed or modified without injustice, and with the consent of the contracting parties.

5th. "That the grant of 80 cents a head be not limited to a population of 400,000 souls, but that the same be allowed the Province until the maximum on which the said grant is allowed the Province of Ontario be reached."

The Act of Confederation places the *per capita* allowance upon the population given to each Province by the census of 1861, but in the case of Nova Scotia and New Brunswick, allowed a decennial increase until the population of 400,000 be reached.

In the admission of Manitoba, with a small population, it was provided that she should have the same advantages, and be placed upon terms of equality with those two named older Provinces, one of which has now passed the maximum number. In view of the fact that some considerable time must elapse before the maximum allowance to Manitoba is reached, and that the question affects all the Provinces of the Confederation, the Sub-Committee deem it now advisable to give attention to the means by which aid can be given to the Province within the maximum number named in the Act.

The increase of population in the Province of Manitoba has been exceptionally rapid; and would warrant a more frequent census than that named; and the Sub-Committee has to repeat that portion of the Order in Council of the 1st April, 1881, bearing upon this question, and "advise that a quinquennial census of the Province of Manitoba be taken hereafter, reckoning from September, 1881; and that between the future takings of the census, approximate estimates should be made at even divided periods, so that the sum granted to the Province for the purpose above mentioned may be revised four times in each decade, and in each instance adjusted according to population, until the number of the inhabitants shall have reached 400,000 and they further advise that the first of such approximate estimates be made on the 1st of September next, when, if the population should be found to exceed 150,000 at which the grant in aid is now made, the first re-adjustment should take place.

6th. "The granting to the Province extended railway facilities, notably the energetic prosecution of the Manitoba South-Western, the Souris and Rocky Mountain, and the Manitoba and North-Western Railway."

The Sub-Committee has assured the delegates of the earnest desire of the Dominion Government to extend railway facilities in Manitoba and the North-West in any direction that will not conflict with the general interest and the engagement of the Government, and has cited in proof thereof, the extraordinary expenditure made upon the main Pacific line, and the grants of land hereinbefore referred to together with a grant already made of \$100,000, to commence explorations in Hudson's Bay, to test the practicability of a commercial outlet in that direction for the produce of the North-West.

7th. "To call the attention of the Government to the prejudicial effects of the tariff on the Province of Manitoba."

In the discussion on this point, the Sub-Committee is of opinion that it was not shown that the effect of the Tariff is prejudicial to the Province, or that it operates exceptionally, unless perhaps in some few cases, which it is believed will be



remedied, as means of transport from the other Provinces improves, or which if not remedied, may be adjusted on the recommendation of the Ministers of Finance and Customs.

8th. "Extension of boundaries."

The Sub-Committee having given to this proposal, and the arguments advanced by the delegates, the most careful consideration, cannot recommend any change or modification of the views entertained by Council, as set forth in the Order in Council of date of 1st April last, and which, for convenience of reference, may be here repeated.

"The boundaries of Manitoba were originally fixed at the instance of the delegates from that Province, who came to Ottawa in the year 1870, to adjust with the Government of Canada the terms upon which Manitoba was to enter the Confederation of Her Majesty's North American Provinces.

The limits then agreed to embraced an area of about 9,500,000 acres. In the year 1881 these limits were enlarged, and territory added to the west and north, making the total area of the Province 96,000,000 acres, or 150,000 square miles.

In the same year the true western boundary of Ontario was fixed as the eastern limit of Manitoba, which may add largely to the area of the Province.

The total area of the other Provinces of the Dominion were, in 1882, as follows:—

Provinces.	Square Miles.	Acres.
Ontario.....	109,460	70,087,300
Quebec.....	193,355	123,747,300
New Brunswick.....	27,322	17,486,080
Nova Scotia.....	21,731	13,907,840
Prince Edward Island.....	2,133	1,365,120
Manitoba.....	150,000	96,000,000
British, Columbia, including Vancouver and other Islands.....	390,344	349,820,160
North-West Territory.....	1,868,000	1,195,520,000
Keewatin District.....	309,077	197,809,280
Islands in Arctic Ocean.....	311,700	199,488,000
Islands in Hudson Bay .....	23,400	14,976,000
Total.....	3,406,542	2,180,186,880

The further enlargement now asked for by Manitoba would add about 80,000 square miles to the already large area of the Province, and would be viewed with disfavor as well by the old Provinces as by the new districts of Assiniboia, Saskatchewan, Alberta and Athabasca, which have been created in the North West Territories and which will ultimately become Provinces of the Dominion. It would largely add to the expenses of the Government without increasing the resources of Manitoba, already pronounced by the Government of the Province to be insufficient to meet its normal and necessary expenditure.

The Committee, under these circumstances, humbly submit to Your Excellency that it is inexpedient to alter the boundaries of the Province as prayed for.

It having been represented to them that the enlargement to the north is sought for by Manitoba chiefly in connection with the desire of that Province to extend railway communication to the waters of Hudson Bay, the Committee recommend that the Government of Manitoba be informed that Your Excellency's advisers will notify the two existing companies who hold charters from the Canadian Parliament to construct railways between Manitoba and Hudson Bay; that the public interests demand the amalgamation of their companies, and that if they will unite and make provisions satisfactory to Manitoba, for the early construction of the railway, and against pooling or amalgamating with other railways, and against excessive freight charges, application will be made to Parliament to convert the sale which it was intended to have made to those companies, of 6,400 acres per mile of railway within the Province

at \$1 per acre, and 12,800 acres per mile outside the Province, at 50 cents per acre into a free gift.

Failing which, Parliament will be asked to authorize the land to be given in the like way to either one of the said incorporated companies giving satisfactory assurances of its ability to construct the railway, and failing this last, then to any other company satisfactory to Manitoba, and that every facility will be given to incorporate such last mentioned company." Parliament having given the necessary authority to the Dominion Government to carry into effect the foregoing cited offer of free lands in aid of the Hudson Bay Railway, your Sub-Committee is of opinion that the said Order in Council of 1st April should, in respect of the extension boundaries, be satisfactory to the Legislature of Manitoba.

In the consideration of the various proposals submitted and claims advanced by the delegates on behalf of the Province of Manitoba, your Sub-Committee have, consistent with Federal obligations, and the interests of the Dominion, felt the deepest anxiety to further the welfare and progress of that Province, and in recommending to His Excellency the Governor General in Council for submission to Parliament the very liberal propositions embodied in this report, only do so in the full anticipation that they will be satisfactory to the people of Manitoba, and upon the conditions that they will be accepted by the Legislature of that Province as a settlement of the claims so earnestly urged by the delegation charged with their submission to Ottawa.

The Committee of the Privy Council adopt the foregoing report of the Sub-Committee, and the several recommendations made therein, and they submit the same for Your Excellency's approval.

JOHN J. McGEE, *Clerk, Privy Council.*



## RETURN

(63)

To an ADDRESS of the HOUSE OF COMMONS, dated 3rd February, 1885, to His Excellency the Governor General;—Praying that he will cause to be laid before the House copies of all correspondence between the Federal and Ontario Governments, and the Imperial Government, on the subject of the Imperial Act, 21-22 Vic., chap. 90, known as the British Medical Act, 1858; the Imperial Act, 31-32 Vic., chap. 29, known as the British Medical Amendment Act, 1868; the Imperial Act, 41-42 Vic., chap. 33, known as the Dentists Act, 1878; and the amendments proposed to be made thereto during the present Session of the Imperial Parliament.

By Command,

J. A. CHAPLEAU,

Department of the Secretary of State,  
Ottawa, 26th February, 1885.

*Secretary of State.*


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COLONIAL OFFICE, DOWNING STREET, 10th December, 1883.

MY LORD,—With reference to my despatch marked "Secret," of the 28th of March, 1882, addressed to your predecessor, relating to the British Medical and Dentists Acts, I have the honor to transmit to you, for your information and for that of your Government, a copy of a letter addressed to the Council Office on the 8th of May last, together with copies of a recent correspondence with that Department, arising out of an application received from the Senate of the University of Sydney.

A copy of the Medical Act Amendment Bill of last Session, as sent down from the House of Lords, is enclosed.

I have the honor to be, My Lord,

Your Lordship's most obedient, humble servant,

DERBY.

Governor General, The Most Honorable the Marquis of Lansdowne,  
&c., &c., &c.

*The Colonial Office to Council Office.*

DOWNING STREET, 18th October, 1883.

SIR,—I am directed by the Earl of Derby to transmit to you, to be laid before the Lords of the Council, a copy of a letter from the Agent-General for New South Wales, with a petition addressed by the Senate of the University of Sydney to the Secretary of State, Home Office, praying for the recognition of colonial medical degrees in the United Kingdom.

With respect to the concluding paragraph of this petition, I am to request that you will draw their Lordships' attention to the letter from this Department of the 8th of May last, relating to the objections entertained by the Government of Canada

to certain sections of the Imperial Medical and Dentists Acts—which, at that time were about to be amended, and that you will enable Lord Derby to inform the Government of the Dominion of any action which may have been decided on in consequence of the report of the Commissioners appointed to enquire into the working of these Acts.

It is understood that the Medical Act Amendment Bill, as amended on report stood for second reading on the 20th of August last, and it appears to have been withdrawn on the 22nd of the same month.

I am, &c.,

J. BRAMSTON.

The Clerk of the Council.

*The Colonial Office to Council Office.*

DOWNING STREET, 8th May, 1883.

SIR,—The attention of the Earl of Derby has been called to the Bill which now before Parliament, and which has passed the House of Lords, entitled "An Act for the consolidation and amendment of the Law relating to Medical Practitioners."

2. It will be within the recollection of the Lords of the Council that the Canadian Government raised objections to certain sections of the Imperial Medical Act and the Dentists Act, 1878, and it was stated in your letter of the 15th of November 1881, that if the report of the Commissioners appointed to enquire into the working of these Acts necessitated legislation, the grievances complained of by the Canadian Government could be dealt with.

3. Lord Derby observes that the provision contained in section 4 of the Bill respecting the right of a registered medical practitioner to practise in any part of Her Majesty's Dominions other than the United Kingdom, and to recover at law the charges, &c., to which he is entitled, is stated to be "subject to any local law;" and he trusts that this addition will meet the views expressed by the Dominion Government on this point. But with regard to dentists, His Lordship observes that section 5 of the Dentists Act, 1878, by which registered dentists are empowered to practise in any part of Her Majesty's Dominions, is left untouched by section 70 of the Bill, although the provision in question was specially objected to by the Dominion Government.

4. Lord Derby would, accordingly, suggest, for the consideration of their Lordships, that the operation of section 5 of the Dentists Act, 1878, should be qualified in a manner similar to that by which the provision in section 4 of the Bill is limited, as, for instance, by the insertion in section 70 of the words "The right of any person registered under the said Dentists Act, 1878, to practise dentistry or dental surgery in any part of Her Majesty's Dominions other than the United Kingdom, shall be subject to any local law in force in that part."

I am, &c.,

R. G. M. HERBERT.

The Clerk of the Council.

*The Council Office to Colonial Office.*

COUNCIL OFFICE, 20th November, 1883.

SIR,—I have submitted to the Lord President of the Council your letter of the 18th ultimo, together with the letter from the Agent-General for New South Wales and the petition addressed by the Senate of the University of Sydney to the Secretary of State for the Home Department, praying for the recognition of colonial medical degrees in the United Kingdom.

I am instructed to request that you will inform the Earl of Derby that it is the intention of the Lord President to re-introduce, during the ensuing Session of Parliament, the Medical Act Amendment Bill of last Session.



With reference to your letter of the 8th May last, in regard to the objections entertained by the Government of Canada to certain sections of the Imperial Medical and Dentists Acts, the Lord President sees no reason why dentists should not be made subject to the local law of the colony; and although that question is not raised by the petition of the University of Sydney, it will be dealt with in the Bill of next session.

The Medical Act Amendment Bill of last Session, printed by the House of Commons, as sent down from the House of Lords, is enclosed for reference.

I am, &c.,

C. L. PEEL.

The Under Secretary of State, Colonial Office.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor-General in Council on the 10th March, 1884.*

The Committee of the Privy Council have had under consideration a despatch, dated 10th of December, 1883, from Her Majesty's Secretary of State for the Colonies on the subject of the Medical Act Amendment Bill of the last Session of the Imperial Parliament.

The Honorables Sir Alexander Campbell and Sir Charles Tupper, to whom the despatch was referred, report that the proviso referred to by Sir Robert Herbert, in his letter of the 8th of May, to the Clerk of the Council (constituting one of the enclosures in the Earl of Derby's despatch) making the right proposed to be conferred upon registered medical practitioners, under the Bill in the colonies, "subject to local law" will meet in a satisfactory manner the views expressed on that point by the Dominion Government, and the introduction of similar words into the Dentists Act of 1878, as suggested to by Sir Robert Herbert and assented to by direction of the Lord President of the Council, will be equally satisfactory to the Dominion Government as regards the Dentists Act.

The Committee concur in the foregoing report, and they advise that Your Excellency be moved to communicate a copy of this minute, when approved, to the Right Honorable the Secretary of State for the Colonies, and that the High Commissioner in London be informed to the same effect.

JOHN J. MCGEE, *Clerk, Queen's Privy Council for Canada.*

The Honorable the Secretary of State.

DEPARTMENT OF SECRETARY OF STATE OF CANADA,  
OTTAWA, 27th March, 1884.

SIR,—I have the honor to acquaint you that His Excellency the Governor-General has had under consideration in Council a despatch dated the 10th of December, 1883, from Her Majesty's Principal Secretary of State for the Colonies, on the subject of the Medical Act Amendment Bill of the last Session of the Imperial Parliament, in respect to which I am now to inform you that the proviso referred to by Sir Robert Herbert, in his letter of the 8th May to the Clerk of the Council (constituting one of the enclosures in the above despatch), making the right proposed to be conferred upon registered medical practitioners, under the Bill, in the colonies, "subject to any local law," will meet in a satisfactory manner the views expressed on that point by this Government, and the introduction of similar words into the Dentists Act of 1878, as suggested by Sir Robert Herbert, and assented to by direction of the Lord President of the Council, will be equally satisfactory to this Government, as regards the Dentists Act.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

The High Commissioner for Canada, London, England.

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,

9 VICTORIA CHAMBERS, LONDON, S. W., 13th May, 1884.

SIR,—In the absence of the High Commissioner, I have the honor to refer to your letter of the 27th March, relative to the Imperial Medical Act Amendment Bill, and to transmit herewith, for the information of the Government, a copy of a letter from the Colonial Office, with enclosures upon the subject.

I have the honor to be, Sir, your obedient servant,

JOS. G. DOLMER, *Secretary for the High Commissioner.*

The Under Secretary of State, Ottawa, Canada.

COLONIAL OFFICE, DOWNING STREET, S. W., 1st May, 1884.

SIR,—With reference to your letter of the 19th ultimo, and to previous correspondence, I am directed by the Earl of Derby to transmit to you, for your information, a copy of a letter from the Council Office relative to the "Medical Act Amendment Bill."

I am, &c., your obedient servant,

JOHN BRAMSTON.

The Acting High Commissioner for Canada.

*The Council Office to the Colonial Office.*

COUNCIL OFFICE, 23rd April, 1884.

SIR,—I have submitted to the Lord President of the Council your letter of the 19th instant, together with the despatch and enclosure from the Governor General of Canada, suggesting an amendment in the "Dentists Act, 1878," and I am directed by his Lordship to transmit to you, to be laid before the Earl of Derby, a copy of the "Medical Act Amendment Bill," on reference to which it will be seen that the point raised by the Dominion of Canada is met by the provisions of clause 70 of the Bill (paragraph 2).

I am, &c.,

C. L. PEEL.

The Under Secretary of State, Colonial Office.

## MEDICAL ACT AMENDMENT BILL.

(As amended in Committee.)

### ARRANGEMENT OF CLAUSES.

#### Clause:

1. Short title.

#### PART I.—ADMISSION TO MEDICAL PRACTICE.

##### *Law as to Medical Practitioners.*

2. Medical register.
3. Title to registry.
4. Registered medical practitioners entitled to recover charges.
5. Registered medical practitioner exempted from serving in certain offices.
6. Disqualification of unregistered medical practitioner.
7. Unregistered medical practitioner not to be recognized in Act of Parliament.
8. Unregistered practitioners not to hold certain appointments.

##### *Medical Boards.*

9. Establishment of medical boards.
10. Medical board to regulate examinations, subject to control of medical council and Privy Council.



11. Election of chairman and vice-chairman.
12. Proceedings of medical boards in first schedule.

*Medical Council.*

13. Establishment of medical council.
14. Powers of medical council.
15. Committee of medical council.
16. Election of president and vice-president.
17. Proceedings of medical council in second schedule.

PART II.—MEDICAL EDUCATION.

18. Course of medical education.
19. Medical board to regulate course of medical education, subject to control of medical council and Privy Council.
20. Medical board to visit schools and examinations.

PART III.—COLONIAL AND FOREIGN PRACTITIONERS.

21. Registration of colonial practitioner with recognized diploma.
22. Registration of foreign practitioner with recognized diploma.
23. Medical diploma of colonial and foreign practitioner when deemed to be recognized.
24. Privileges of colonial practitioner.
25. Power of Her Majesty in Council to define colonies and foreign countries to which this part of the Act applies.

PART IV.—MEDICAL TITLES, MEDICAL REGISTER AND MEDICAL AUTHORITIES.

26. Medical titles.
27. Penalty on misuser of medical titles; management of register.
28. Contents and form of medical register.
29. Correction of medical register.
30. Erasure from medical register.
31. Committee for rectification of register.
32. Penalty for obtaining registration by false representations.

*Medical Authorities.*

33. Power of medical authorities to grant diplomas to either sex.
34. Power of medical authorities to accept certificates of medical board.
35. Power to medical authorities to conform to Act.

PART V.—EXPENSES AND MEDICAL FUNDS.

36. Expenses of Act, and funds to meet such expenses.
37. Accounts of medical boards and medical council to be laid before Parliament.

PART VI.—GENERAL PROVISIONS.

*As to Medical Boards, Medical Council and Privy Council.*

38. Appointment of officers by medical board.
39. Appointment of officers by medical council.
40. Legal status of medical board and medical council.

*As to Approval and Confirmation of Schemes.*

41. Approval and confirmation of schemes.
42. Default of medical board.
43. Default of medical council.
44. Exercise of powers of Privy Council.

*As to Recovery of Penalties.*

45. Summary procedure.

*As to Evidence.*

46. Rules as to evidence.

*As to Election Offences.*

- 47. Appeal in respect of invalid election.
- 48. Penalty on illegal acts in respect of election.

*Miscellaneous.*

- 49. Services of notices by post.
- 50. Publication of proceedings.

## PART VII.—TRANSITION FROM OLD TO NEW LAW.

- 51. Time of election of medical board.
- 52. Time of nomination and election of medical council.
- 53. Schemes for examinations, and course of medical education.
- 54. Continuation of old system of registration to the appointed day.
- 55. Transfer of funds of branch councils to medical council.
- 56. Transfer of medical register from general council to medical council.
- 57. Transfer of funds of general council to medical council.
- 58. As to officers and servants of branch councils.
- 59. As to officers and servants of general council.

## PART VIII.—PHARMACOPŒIA; SAVING CLAUSES; DEFINITIONS; REPEAL.

*Pharmacopœia.*

- 60. British Pharmacopœia to be published.
- 61. Right of printing pharmacopœia vested in council.
- 62. Notice to be given in Gazettes when British Pharmacopœia is published.
- 63. Provision as to existing pharmacopœia.

*Saving Clauses.*

- 64. Saving clause as to chemists.
- 65. Saving, as to hospitals exclusively for foreigners.
- 66. Saving, as to 18 and 19 Vic., c. 119.
- 67. Saving, as to practice affecting practitioners.
- 68. Saving, as to local law.
- 69. Saving, as to existing titles.

*Dentists.*

- 70. Provisions as to 41 and 42 Vic., c. 33.

*Definitions.*

- 71. Definitions.

*Repeal.*

- 72. Repeal of Acts.

*Schedules.*

**A BILL, AS AMENDED IN COMMITTEE, A.D. 1884, INTITULED AN ACT  
FOR THE CONSOLIDATION AND AMENDMENT OF THE LAW  
RELATING TO MEDICAL PRACTITIONERS.**

*(Extracts from British Medical Act as proposed to be amended.)*

## REGISTERED MEDICAL PRACTITIONER ENTITLED TO RECOVER CHARGES.

4. On and after the appointed day, a registered medical practitioner may, save as hereinafter mentioned, practise the callings of medicine, surgery and midwifery, or any of the said callings, in the United Kingdom, and (subject to any local law) in any other part of Her Majesty's Dominions, and may recover, in due course of law, in respect of such practise, any expenses, charges in respect of medicaments or other appliances, or any fees to which he may be entitled, unless he is a member of a college of physicians, the members of which are prohibited by by-law from recovering at law their expenses, charges, or fees, in which case such prohibitory by-law, so long as it is in force, may be pleaded in bar of any legal proceeding instituted by such member for the recovery of expenses, charges or fees.



## DENTISTS.

*Provisions as to 41 and 42 Vic., c. 33.*

70. There shall be repealed so much of section four of the "Dentists Act, 1878," as provides that a prosecution for any of the offences above in that Act mentioned shall not be instituted by a private person, except with the consent of the general council or of a branch council, and a prosecution for any such offences may be instituted by a private person accordingly.

*Notwithstanding anything in section five of the "Dentists Act, 1878," the rights of any person registered under the "Dentists Act, 1878," to practise dentistry or dental surgery in any part of Her Majesty's dominions, other than the United Kingdom, shall be subject to any local law in force in that part.*

It shall be lawful for Her Majesty at any time after the said appointed day to declare, by Order in Council, that section twenty-eight of the said "Dentists Act, 1878," shall be in force on and after a day to be named in such order, but in the meantime, and until such order has been made, and before such day as last aforesaid, such section shall not be deemed to be in force.

On and after such time as the medical council and medical boards, respectively, come into office, and subject to the provisions of this Act, any power given by the "Dentists Act, 1878," as amended by this Act, to the general council, may be exercised by the medical council, and any power given by the said Act, as amended by this Act, to the branch council of any part of the United Kingdom, may be exercised by the medical board of the same part, and the medical council or a medical board shall respectively be deemed to be substituted throughout the said Act, as amended by this Act, for the general council or a branch council, and the expression "medical authorities" in the said Act, as amended by this Act, shall be deemed to mean the bodies and universities who choose members of a medical board.

Save, as in this Act mentioned, the "Dentists Act, 1878," shall not be affected by this Act.

## DEFINITIONS.

*Definitions.*

71. In this Act, unless the context otherwise requires,—

The expression "person" includes a body of persons, corporate or unincorporate.

"British possessions" means any part of Her Majesty's dominions, exclusive of the United Kingdom, but inclusive of the Isle of Man and the Channel Islands.

The expression "general council" means "the general council of medical education and registration of the United Kingdom" established under the Medical Act.

The expression "part of the United Kingdom" means, according to circumstances, England, Scotland or Ireland.

The expression "appointed day" means the first of June, one thousand eight hundred and eighty-six, or such other day in June, one thousand eight hundred and eighty-six, as may be appointed by the Privy Council.

The expression "diploma" means any diploma, degree, fellowship, membership, license, authority to practise, letters, testimonial, certificate, or other status or document granted by any university, corporation, college or body, or by any departments of or persons acting under the authority of the Government of any country or place within or without Her Majesty's dominions.

The expression "medical diploma" means a diploma granted in respect of medicine, surgery and midwifery, or any branch of medicine, surgery or midwifery.

The expression "medical title" means any addition to a name, designation, or description, whether expressed in words or by letters, or partly in one way and partly in the other, indicating or implying that a person has obtained a medical diploma.

## REPEAL.

*Repeal of Acts.*

72. On and after the said appointed day the Acts mentioned in the third schedule to this Act shall be repealed to the extent in the third column of that

schedule mentioned, provided that this repeal shall not affect anything done or suffered, or any right or title acquired or accrued, or any offence committed before such repeal takes effect, or any remedy or proceeding in respect thereof.

FIRST SCHEDULE.—PROCEEDINGS OF MEDICAL BOARD.

1. The board shall meet for the despatch of business, and shall, from time to time, make such regulations with respect to the summoning, notice, place, management and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the board as they think fit, subject to the following conditions:—

(a.) An extraordinary meeting may be summoned at any time, on the requisition of three members of the board, addressed to the chairman of the board;

(b.) The quorum to be fixed by the board shall consist of not less than three members;

(c.) Every question shall be decided by a majority of votes of the members present and voting on that question;

(d.) The names of the members present at a meeting, and, upon a requisition made by any member or members voting on a question, the names of the members voting on that question, shall be recorded:

2. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

3. If at any meeting of the board the chairman of the board is not present at the time appointed for holding the same, or within a quarter of an hour afterwards the vice-chairman of the board shall be the chairman of the meeting; and if neither the chairman nor vice-chairman be present within a quarter of an hour after the time appointed for holding the meeting, then the members present shall choose some one of their number to be a chairman of such meeting.

SECOND SCHEDULE.—PROCEEDINGS OF MEDICAL COUNCIL AND OF COMMITTEES OF MEDICAL COUNCIL.

1. The medical council shall meet for the despatch of business, and shall, from time to time, make such regulations with respect to the summoning, notice, place, management and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the council, as they think fit, subject to the following conditions:—

(a.) An extraordinary meeting may be summoned at any time, on the requisition of three members of the council, addressed to the president of the council;

(b.) The quorum to be fixed by the council shall consist of not less than three members;

(c.) Every question shall be decided by a majority of votes of the members present and voting on that question;

(d.) The names of the members present at a meeting, and, upon a requisition made by any member or members voting on a question, the names of the members voting on that question shall be recorded:

2. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

3. A committee may meet and adjourn as they think proper. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question; and in case of an equal division of votes the chairman for the time being shall have a second or casting vote.

4. The president, if present, shall be chairman at any meeting of the council, or of any committee of the council, but if at any meeting of the council or committee of the council the president is not present at the time appointed for holding the same, or within a quarter of an hour afterwards, the vice-president shall be the chairman of the meeting; and if neither the president nor vice-president be present within a quarter of an hour after the time appointed for holding the meeting, then the members present shall choose some one of their number to be a chairman of such meeting.



## THIRD SCHEDULE.—ACTS REPEALED.

Column 1. Date and Chapter of Act.	Column 2. Title.	Column 3. Extent of Repeal.
3 Hen. 8, c. 11.....	An Act concerning Phesicians and Surgeons.	The whole Act.
5 Hen. 8, c. 6.....	An Act that Surgeons be discharged of Constabships and other things.	So much as is unrepealed.
14 and 15 Hen. 8, c. 5.....	An Act concerning Physicions....	Section three, and so much of the residue as confers any privileges or enacts any restrictions inconsistent with this Act.
32 Hen. 8, c. 40.....	Concerning Phisicians.....	The whole Act.
32 Hen. 8, c. 42.....	Concerning Barbers and Chirurgions.	Section two and three, and so much of section five as relates to surgeons.
18 Geo. 2, c. 15.....	An Act for making the Surgeons of London and the Barbers of London two separate and distinct Corporations.	Section eight, from "and that they and all such," to end of section, and so much of the residue of the Act as confers any privileges or enacts any restrictions inconsistent with this Act.
55 Geo. 3, c. 194.....	An Act for better regulating the practice of Apothecaries throughout England and Wales.	So much of the said Act as confers any privileges or enacts any restrictions inconsistent with this Act.
21 and 22 Vic., c. 90.....	The Medical Act.....	The whole Act, with the exception of such portions thereof as respects grants to and other privileges of certain medical authorities, that is to say, with the exception of sections forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, and fifty-three.
22 Vic., c. 21.....	An Act to amend the Medical Act (1858).	The whole Act.
23 Vic., c. 7.....	An Act to amend the Medical Act.	The whole Act.
25 and 26 Vic., c. 91.....	An Act to incorporate the General Council of Medical Education and Registration of the United Kingdom, and for other purposes.	The whole Act.
31 Vic., c. 29.....	The Medical Act Amendment Act, 1868.	The whole Act.
35 and 37 Vic., c. 55.....	The Medical Act (University of London), 1873.	The whole Act.
37 and 38 Vic., c. 34.....	The Apothecaries Act Amendment Act, 1874.	So much of the said Act as confers any privileges or enacts any restrictions inconsistent with this Act.
38 and 39 Vic., c. 43.....	The Medical Act (Royal College of Surgeons of England), 1875.	So much of the said Act as confers any privileges or enacts any restrictions inconsistent with this Act.
39 and 40 Vic., c. 40.....	The Medical Practitioners Act, 1876.	Section three.
39 and 40 Vic., c. 41.....	An Act to remove restrictions on the granting of qualifications for Registration under the Medical Act, on the ground of sex.	The whole Act.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 2nd June, 1884.

SIR,—I am directed to transmit to you herewith, for your information, a certified copy of an Order of His Excellency the Governor General in Council, dated the 12th ultimo, on the secret despatch of the Right Honorable the Secretary of State for the Colonies, dated the 10th of December, 1883, and other papers referred to in the said Order in Council relating to the British Medical and Dentists Act.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

Honorable Sir CHARLES TUPPER, K.C.M.G., 9 Victoria Chambers, London, S.W.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 12th May, 1884.*

The Committee of the Privy Council have had under consideration a despatch, marked secret, dated 10th December, 1883, from the Right Honorable the Earl of Derby, upon the British Medical and Dentists Act, and a copy of a letter addressed to the Council Office on the 8th May, 1883, together with copies of a recent correspondence with that Department, arising out of an application received from the Senate of the University of Sydney, New South Wales.

The Honorables Sir Alexander Campbell and Sir Charles Tupper, to whom the despatch and enclosures were referred, report that they agree in thinking that the arrangement proposed by the Lord President of the Council, as mentioned in the letter of Mr. Peel to the Under Secretary of State for the Colonies, bearing date the 20th November, 1883, will be entirely satisfactory to the Dominion of Canada.

The Committee concur in the foregoing report, and they recommend that Your Excellency be moved to transmit a copy of this minute, if approved, to the Right Honorable the Secretary of State for the Colonies, and that the High Commissioner be informed also.

JOHN J. MCGEE, *Clerk, Privy Council.*

OFFICE OF HIGH COMMISSIONER FOR CANADA,  
9 VICTORIA CHAMBERS, LONDON, S. W., 19th June, 1884.

SIR,—I have the honor to acknowledge the receipt of Mr. Powell's letter of the 2nd instant, transmitting, for my information, a certified copy of an Order of His Excellency the Governor General in Council, dated the 12th ultimo, with reference to the secret despatch of the Right Honorable the Secretary of State for the Colonies, dated the 10th December, 1883, and other papers referred to in the said Order in Council, on the subject of the British Medical and Dentists Acts.

I have the honor to be, Sir, your obedient servant,

CHARLES TUPPER, *High Commissioner.*

Honorable the Secretary of State, Ottawa, Canada.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 29th June, 1884.*

On a report dated 23rd June, 1884, from the Minister of Justice, stating, with reference to the communication of 13th May last, from Mr. Colmer, secretary for the High Commissioner for Canada, in England, transmitting a copy of a letter from the Colonial Office with enclosures on the subject of the Imperial Medical Act Amendment Bill, that the views of the Dominion Government on this subject have been satisfactorily met by a provision in the 4th section of the Bill—that medical practitioners may, save as thereafter mentioned, practise the callings of medicine, surgery and midwifery or any of the said callings, in the United Kingdom, and subject to any local law in any part of Her Majesty's Dominions, and also, by a provision in the 70th section, that notwithstanding anything in section 5 of the "Dentists Act, 1878," the rights of any person registered under the "Dentists Act, 1878," to practise



dentistry or dental surgery in any part of Her Majesty's Dominions, other than the United Kingdom, shall be subject to any local law in force in that part.

The Committee advise that the High Commissioner be informed in the above sense.

JOHN J. MCGEE, *Clerk, Privy Council.*

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 17th July, 1884.

SIR,—With reference to previous correspondence on the subject, I now have the honor to inform you that his Excellency the Governor General has had under his consideration in Council a communication dated the 13th May last, from Mr. Colmer, transmitting a copy of a letter from the Colonial Office, with enclosures, on the subject of the Imperial Medical Amendment Bill.

I am now to inform you that the views of this Government on this subject have been satisfactorily met by a provision in the 4th section of the said Bill, that medical practitioners may, save as hereinafter mentioned, practise the callings of medicine, surgery and midwifery, or any of the said callings, in the United Kingdom, and subject to any local law in any part of Her Majesty's dominions, and also by a provision in the 70th section, that notwithstanding anything in section 5 of the "Dentists Act, 1878," the rights of any person registered under the "Dentists Act, 1878," to practise dentistry or dental surgery in any part of Her Majesty's dominions other than the United Kingdom, shall be subject to any local law in force in that part.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

Hon. the High Commissioner for Canada, London, England.





# RETURN

(72)

To an ORDER of the HOUSE OF COMMONS, dated 12th February, 1885;—For a Statement for the last fiscal year of the cost connected with the heating of Public Buildings (including wages as well as fuel) now paid under a lump vote; such Statement to show the cost under the same sub-headings as those in which it was formerly included in the Public Accounts before the change in the system.

By Command,

J. A. CHAPLEAU,

Department of the Secretary of State,  
Ottawa, 28th February, 1885.

Secretary of State.

## HEATING DOMINION BUILDINGS.

STATEMENT of Expenditure, through Public Works Department, for Year ended 30th June, 1884, as called for by Address from House of Commons, dated 12th February, 1885.

Name of Building.	Fuel.	Wages.	Total
	\$ cts.	\$ cts.	\$ cts.
<i>Nova Scotia:—</i>			
Halifax Dominion Building .....	946 00	1,269 83	2,215 83
Pictou Custom House.....	73 77		73 77
do Inland Revenue Office.....	15 00		15 00
do Marine Hospital.....	24 80		24 80
Sydney do .....	15 00		15 00
<i>Prince Edward Island:—</i>			
Charlottetown Dominion Building.....	638 66	535 97	1,174 63
<i>New Brunswick:—</i>			
Chatham Custom House.....	50 62		50 62
do Inland Revenue Office.....	10 00		10 00
do Post Office .....	55 59		55 59
Fredericton Post Office .....	425 57	133 32	558 89
Dorchester Penitentiary .....		400 00	400 00
St. Andrew's Inland Revenue Office .....	39 00		39 00
St. John Custom House.....	2,350 48	1,125 00	3,475 48
do Marine Hospital.....	621 04		621 04
do Penitentiary .....	52 00		52 00
do Post Office .....	685 14	740 00	1,405 14
do Savings Bank .....	282 85		282 85
Sussex Post Office .....	425 55	66 66	492 21
<i>Quebec:—</i>			
Chambly Canal Basin Office.....	24 00		24 00
Hull Post Office, &c.....	169 25		169 25
Montreal Custom House.....	1,357 06	820 00	2,177 06
do Examining Warehouse.....	2,104 74	1,164 50	3,269 24
Carried forward .....	10,346 12	6,255 28	16,601 40

HEATING Dominion Buildings—*Concluded*

Name of Building.	Fuel.	Wages.	Total.
	\$ cts	\$ cts	\$ cts.
Brought forward.....	10,346 12	6,255 28	16,601 40
<i>Quebec—Continued.</i>			
Montreal Inland Revenue Offices.....	358 58	720 00	1,078 58
do Post Office.....	1,225 02	746 00	1,971 02
Quebec Citadel Buildings.....	170 91		170 91
do Custom House.....	1,180 38		1,180 38
do Post Office.....	183 35		183 35
St. John's Post Office, &c.....	169 28	149 96	319 24
St. Vincent de Paul Penitentiary.....	2,393 85		2,393 85
Three Rivers Custom House.....	351 57	408 31	759 88
do Post Office.....		182 50	182 50
<i>Ontario:—</i>			
Barrie Post Office, &c.....	132 35		132 35
Belleville do.....	441 55	200 00	641 55
Brantford do.....	372 49	600 00	972 49
Cobourg do.....	10 00		10 00
Cornwall Inland Revenue Offices.....	27 60		27 60
Gananoque Custom House.....	6 50		6 50
Guelph do.....	310 87		310 87
Hamilton do.....	687 66		687 66
do Post Office.....	456 79		456 79
Kingston Custom House.....	276 16		276 16
do Inland Revenue Offices.....	15 00		15 00
do Military College.....	30 00	1,320 00	1,350 00
London Custom House.....	858 80	700 00	1,558 80
do Post Office.....	198 67	386 77	585 44
Port Robinson Inland Revenue Offices.....	20 00		20 00
Rideau Hall (Caretaker's house).....	15 00		15 00
Stratford Post Office.....	535 22	390 00	925 22
Smith's Falls Inland Revenue Offices.....	12 00		12 00
St. Catharine's Custom House, &c.....	580 52	133 32	713 84
Toronto Custom House.....	1,405 19	1,108 00	2,513 19
do Examining Warehouse.....		896 50	896 50
do Inland Revenue Offices.....	333 15	354 00	687 15
do Post Office.....	943 33	780 00	1,723 33
Windsor do.....	577 05	600 00	1,177 05
<i>Manitoba:—</i>			
Winnipeg Architect's Office.....	110 00		110 00
do Custom House.....	1,031 25		1,031 25
do Dominion Lands Office.....	687 50		687 50
do Post Office.....	1,003 75		1,003 75
<i>North-West Territories:—</i>			
Qu'Appelle Clerk of Works' Office.....	96 00		96 00
<i>British Columbia:—</i>			
New Westminster Penitentiary.....	6 25		6 25
do Post Office.....	112 37	385 00	497 37
Victoria Custom House.....	64 00		64 00
do Post Office.....	84 87		84 87
Yale do.....	6 25		6 25
Public Buildings generally.....	285 19	90 00	375 19
Totals.....	28,112 39	16,405 64	44,518 03

O. DIONNE,

Accountant.

DEPARTMENT OF PUBLIC WORKS,

OTTAWA, 13th February, 1885.



## RETURN

(76)

To an ORDER of the HOUSE OF COMMONS, dated 30th January, 1884:—For Copies of any correspondence, documents, contracts or agreements with the Pullman Palace Car Company in relation to the Company's cars running over the Intercolonial Railway; also any contract or agreement with Express Companies as to conveyance of express matter over the said Railway.

By command,

J. A. CHAPLEAU,

Department of the Secretary of State,  
28th February, 1885.

*Secretary of State.*

## AGREEMENT WITH PULLMAN CAR COMPANY, DATED 7TH JULY, 1874.

THIS INDENTURE made this twenty-seventh day of July, A.D. 1874, between the General Superintendent of the Intercolonial Railway, the property of the Government of the Dominion of Canada, hereinafter called the Railway, of the one part, and Pullman's Palace Car Company, hereinafter called the Pullman Company, of the other part.

WHEREAS the Pullman Company is now engaged in the business of manufacturing railway cars known as drawing-room cars and sleeping cars, under certain patents belonging to it, and of hiring the same to railway companies, under written contracts for a term of years, to be used and employed on and over the lines of the roads of said railway companies, and receiving therefor income and revenue by sale to passengers of seats, berths and accommodations therein. And, whereas, the railway is desirous of availing itself of the use, on and over its lines of roads, of the cars constructed under the sleeping and drawing-room car patents now the property of the Pullman Company, and also of connections, by means of said cars with other lines of railway, whereon said cars are now operated by the Pullman Company;

And now this contract witnesseth:

*First.*—That the Pullman Company, in consideration of the covenants and agreements of the railway hereinafter mentioned, to be by it kept and performed, hereby agrees with the railway, that it will furnish drawing room cars and sleeping cars to be used by the railway for the transportation of passengers sufficient to meet the requirements of the travel on and over its line of railway between Halifax, in Nova Scotia, and St. John, in New Brunswick, all in the Dominion of Canada; said cars to be satisfactory to the Superintendent of the Railway.

*Second.*—The Pullman Company hereby agrees that it will keep the carpets, upholstery and bedding of each of the said cars in good order and repair, and renew and improve the same when necessary at its own expense, excepting repairs and renewals made necessary by accident or casualty, it being understood that the railway shall repair all damages to said cars of every kind occasioned by accident or casualty during the continuance of this contract.

*Third.*—The Pullman Company hereby agrees, at its own cost and expense, to furnish one or more employees, as may be needful upon each of said cars, whose

duties shall be to collect fares for the accommodation furnished in said cars and generally to wait upon passengers therein and to provide for their comfort.

*Fourth.*—The railway hereby agrees that the general officers of the Pullman Company and the employees named in article third of this agreement, shall be entitled to free passage over the lines of railway when they are on duty for the Pullman Company.

*Fifth.*—The Pullman Company hereby agrees that the general officers of the railway shall be entitled to free passes in any of the cars furnished by the Pullman Company under this contract.

*Sixth.*—It is hereby mutually agreed that the said employees of the Pullman Company named in article third of this contract shall be governed by and subject to the rules and regulations of the railway which are or may be adopted from time to time for the government of its own employees, and in the event of any liability arising against the railway for personal injury, death or otherwise of any employee of the Pullman Company, it is hereby distinctly understood and agreed that the railway shall be liable only to the same extent it would be if the person injured was an employee, in fact, of the railway, and for all liability in excess thereof shall be indemnified and paid by the Pullman Company.

*Seventh.*—The railway, in consideration of the use of the aforesaid cars, agree to have the same on its passenger trains on its own line of road and on all roads which it now controls or may hereafter control, by ownership, lease, or otherwise, and also all passenger trains on which it may, by virtue of contracts or running arrangements with other roads, have the right to use such cars, in such manner as will best accommodate the passengers during the use of said cars.

And the railway shall, at its own expense, furnish fuel for these cars and materials for the lights, shall wash and cleanse said cars, and shall also keep said cars in good running order and repair, including renewals of worn-out parts, and all things appertaining to said cars necessary to keep them in first-class condition, except such as are provided for in article second of this agreement.

*Eighth.*—The railway agrees to furnish the Pullman Company, without charge at convenient points, room and conveniences for airing and storing bedding.

*Ninth.*—The railway further agrees that the Pullman Company shall be entitled to collect from each and every person occupying said cars, such sums for said company as may be usual on competing lines furnishing equal accommodations, and that such rules and regulations shall be mutually agreed upon as will most favor the renting of seats and couches in said cars.

*Tenth.*—The railway hereby agrees to permit the Pullman Company to place tickets for seats and couches for sale in such of the railway ticket offices as may be desired by the Pullman Company, and such service shall be performed by, and as part of the general duties of the ticket agents, without charge to the Pullman Company. The proceeds of such sale to be at the risk of the Pullman Company.

*Eleventh.*—The railway hereby agrees that the Pullman Company shall have the exclusive right, for a term of ten years from the date hereof, to furnish for the use of the railway drawing room or parlor cars and sleeping cars, including reclining chair cars on all passenger trains of the railway and all roads which it controls, may hereafter control, by ownership, lease or otherwise, and also on all passenger trains on which it may, by virtue of contracts or running arrangements with other roads have the right to use such cars, and that it will not contract with any other parties to run said class of cars, on and over said lines of road during said period of ten years.

*Twelfth.*—The Pullman Company, for the consideration aforesaid, hereby guarantees the railway against all damages of whatever kind, which may be by the railway in consequence of any infringement of patent rights in construction and use of any of said cars which may be used by the Pullman Company upon the lines of the railway under this agreement, it being the meaning and intent of this article that the Pullman Company shall secure the railway against all manner of expenditure which may be incurred by it in consequence of any litigations connected with



alleged infringements of patent rights for the interior arrangements of said cars, and the Pullman Company will pay off and discharge all judgments obtained at any time against the railway on account of such infringements.

*Thirteenth.*—It is mutually agreed between the parties hereto that in case either of said parties shall fail to cleanse or repair, according to the conditions of this agreement, any of said cars, then, and in that case, after written notice shall have been given to the defaulting party by the other party, of the default complained of, and the said defaulting party shall neglect or refuse so to cleanse or repair said cars within a reasonable time after such notice, the other party shall have the right to cleanse and make, or cause to be made, all necessary repairs and renewals to said cars, and said defaulting party shall pay to the other party the cost of such portion of the cleansing and repairs as the defaulting party is held to be liable for by the terms of this contract.

*Fourteenth.*—It is mutually agreed between the parties hereto, that in case either of said parties shall at any time hereinafter fail to keep and perform any of the covenants herein contained to be by them respectively kept and performed, then and in that case, after written notice shall have been given to the defaulting party hereto of the default complained of, if the said defaulting party shall neglect to make good, keep and fulfil such unfulfilled covenants and conditions of this agreement within a reasonable time after such notice, the other party shall be at liberty to declare this contract ended and no longer in force.

*Fifteenth.*—It is mutually agreed between the parties hereto that the railway shall have the option whether it will provide one-half of all the capital required for furnishing the equipment which may be put upon the road of the railway under this contract, and upon the payment of the same to the Pullman Company become a joint owner with the Pullman Company in the said equipment, and receive thereupon one-half of all gains or profits and bear one-half of the losses arising from the business of operating the said cars furnished under this contract; the Pullman Company to retain the control and management, provided that such option shall be exercised if at all, and notice thereof communicated to the Pullman Company in writing within twelve months from the date hereof.

In witness whereof the railway has executed this deed by its General Superintendent, and the Pullman Company hath caused its corporate seal to be attached hereto, attested by its President and Secretary.

Dated the day and year first above written.

Witnessed, L. MUNRO.

C. J. BRYDGES, *Gen. Supt. of Govt. Rys.*

PULLMAN PALACE CAR COMPANY.

Attest, CHAS. W. ANGELL.

By GEO. M. PULLMAN, *President.*

[L.S.]

AGREEMENT WITH PULLMAN CAR COMPANY, DATED 1st JUNE, 1876.

THIS INDENTURE, made this first day of June, A.D. 1876, between the Intercolonial Railway, the property of the Government of the Dominion of Canada, hereinafter called the Intercolonial Railway, of the one part, and Pullman's Palace Car Company, hereinafter called the Pullman Company, of the other part.

Whereas the Pullman Company is now engaged in the business of manufacturing railway cars known as drawing-room cars and sleeping cars, under certain patents belonging to it, and of hiring the same to railway companies under written contracts for a term of years, to be used and employed on and over the lines of the roads of said railway companies, and receiving therefor income and revenue by the sale to passengers of seats, berths and accommodations therein; And whereas the Intercolonial Railway is desirous of availing itself of the use on and over its lines of road of the cars constructed under the sleeping and drawing-room car patents now the property

of the Pullman Company, and also of connections by means of said cars with other lines of railway whereon said cars are now operated by the Pullman Company;

Now this Contract witnesseth—*First.*—That the Pullman Company, in consideration of the covenants and agreements of the Intercolonial Railway hereinafter mentioned to be by it kept and performed, hereby agrees with the Intercolonial Railway that it will furnish five sleeping cars to be used by the Intercolonial Railway for the transportation of passengers, said cars to be satisfactory to the General Superintendent of Government Railways.

*Second.*—The Pullman Company hereby agrees that it will keep the carpet upholstery and bedding of each of the said cars in good order and repair, and renew and improve the same where necessary at its own expense, excepting repairs and renewals made necessary by accidents or casualty, it being understood that the Intercolonial Railway shall repair all damages to said cars of every kind occasioned by accident or casualty during the continuance of this contract.

*Third.*—The Pullman Company hereby agrees at its own cost and expense to furnish one or more employees, as may be needful, upon each of said cars, whose duties shall be to collect fares for the accommodation furnished in said cars, and generally to wait upon passengers therein and provide for their comfort.

*Fourth.*—The Intercolonial Railway hereby agrees that the general officers of the Pullman Company and the employees named in article third of this agreement shall be entitled to free passage over the lines of the Intercolonial when they are on duty for the Company.

*Fifth.*—The Pullman Company hereby agrees that the general officers of the Intercolonial Railway shall be entitled to free passes in any of the cars furnished by the Pullman Company under this contract.

*Sixth.*—It is hereby mutually agreed that the said employees of the Pullman Company named in article third of this contract shall be governed by and subject to the rules and regulations of the Intercolonial Railway which are or may be adopted from time to time for the government of its own employees, and in the event of any liability arising against the Intercolonial Railway for personal injury, death or otherwise of any employee of the Pullman Company, it is hereby distinctly understood and agreed that the Intercolonial Railway shall be liable only to the same extent it would be if the person injured was an employee, in fact, of the Intercolonial Railway, and for all liability in excess thereof shall be indemnified and paid by the Pullman Company.

*Seventh.*—The Intercolonial Railway, in consideration of the use of the aforesaid cars, hereby agrees to have the same on the passenger train on its own line of road and on all roads which it now controls, and also on all passenger trains on which it may by virtue of contracts or running arrangements with other roads have the right to use such cars, in such manner as will best accommodate passengers desiring the use of said cars. And the Intercolonial Railway shall, at its own expense, furnish fuel for the cars and material for the lights, shall wash and cleanse said cars, and shall also keep said cars in good running order and repair, including renewals of worn-out parts and all things appertaining to said cars necessary to keep them in first class condition, except such as are provided for in article second of the agreement.

*Eighth.*—The Intercolonial Railway agrees to furnish the Pullman Company without charge, at convenient points, room and conveniences for airing and storing bedding.

*Ninth.*—The Intercolonial Railway further agrees that the Pullman Company shall be entitled to collect from each and every person occupying said cars such sums for said occupancy as may be usual on competing lines furnishing equal accommodations, and that such rules and regulations shall be mutually agreed upon as will most favor the renting of seats and couches in said cars.

*Tenth.*—The Intercolonial Railway hereby agrees to permit the Pullman Company to place its tickets for seats and couches for sale in such of the railway ticket offices as may be desired by the Pullman Company, and such service shall be performed



formed by and as part of the general duties of the ticket agents, and without charge to the Pullman Company; proceeds of such sales to be at the risk of the Pullman Company.

*Eleventh.*—The Intercolonial Railway hereby agrees that the Pullman Company shall have the exclusive right for a term of eight years from the date hereof, to furnish for the use of the Intercolonial Railway, drawing-room or parlor cars and sleeping cars, including reclining chair cars on all the passenger trains of the Intercolonial Railway, and over its entire line of railway, and on all roads which it controls, and also on all passenger trains on which it may by virtue of contracts or running arrangements with other roads have the right to use such cars, and that it will not contract with any other parties to run said class of cars on and over said lines of road during said period of eight years.

*Twelfth.*—The Pullman Company, for the consideration aforesaid, hereby guarantees the Intercolonial Railway against all damages of whatsoever kind which may be by the Intercolonial Railway incurred in consequence of any infringements of patent rights in the construction and use of any of said cars which may be used by the Pullman Company upon the lines of the Intercolonial Railway under this agreement: it being the meaning and intent of this article that the Pullman Company shall secure the Intercolonial Railway against all manner of expenditures which may be incurred by it in consequence of any litigations connected with alleged infringements of patent rights for the interior arrangements of said cars, and that the Pullman Company shall pay off and discharge all judgments obtained at any time against the Intercolonial Railway on account of such infringements.

*Thirteenth.*—It is mutually agreed between the parties hereto that in case either of said parties shall fail to cleanse or repair according to the conditions of this agreement any of said cars, then and in that case, after written notice shall have been given to the defaulting party by the other party of the default complained of, and the said defaulting party shall neglect or refuse so to cleanse or repair said cars within a reasonable time after such notice, the other party shall have the right to cleanse and make, or cause to be made, all necessary repairs and renewals to said cars, and said defaulting party shall pay to the other party the cost of such portion of the cleansing and repairs as said defaulting party is held to be liable for by the terms of this contract.

*Fourteenth.*—It is mutually agreed between the parties hereto that in case either of the said parties shall at any time hereafter fail to keep and perform any of the covenants herein contained to be by them respectively kept and performed, then and in that case, after written notice shall have been given to the defaulting party hereto of the default complained of, if the said defaulting party shall refuse or neglect to make good, keep and fulfil such unfulfilled covenants and conditions of this agreement within a reasonable time after such notice, the other party shall be at liberty to declare this contract ended and no longer in force.

*Fifteenth.*—It is mutually understood and agreed that if at the end of three months from the time of delivery of the cars to be furnished by the Pullman Company, under this agreement, the gross receipts of each of said cars is not equal to three hundred dollars (\$300) per month for each car so furnished, the Intercolonial Railway shall and does hereby agree to make good any deficiency then existing between the monthly receipts of each of said cars and three hundred dollars (\$300), and also any deficiency that may exist at the end of any succeeding three months.

This guarantee only applies to the five cars which have been put upon the Intercolonial Railway by the Pullman Car Company under this agreement.

*Sixteenth.*—It is mutually agreed between the parties hereto that the Intercolonial Railway shall have the option to determine whether it will provide one-half of all the capital required for furnishing the equipment which may be put upon the road of the Intercolonial Railway under this contract, and upon the payment of the same to the Pullman Company become a joint owner with the Pullman Company in the said equipment, and receive thereupon one-half of all the gains or profits and bear one-half of all the losses arising from the business of operating said cars fur-

nished under this contract; the Pullman Company to retain the control and management, provided that such option shall be exercised if at all, and notice thereof communicated to the Pullman Company in writing within twenty-four months from the date hereof.

*Seventeenth.*—It is distinctly understood and agreed that the existing contract between the parties relative to the supply of drawing-room and sleeping cars between Halifax and St. John is not in any way affected by this agreement, but remains in full force and effect. In witness whereof the Intercolonial hath executed this agreement by the General Superintendent of Government Railways, under the authority of an Order in Council of the Government of Canada, and the Pullman Company hath caused its corporate seal to be attached hereto, attested by its President and Secretary.

Dated the day and year first above written.

C. J. BRIDGES, *Genl. Supt. of Gov. Rys.*

Witnessed, L. MUNRO.

PULLMAN PALACE CAR CO.,

GEO. M. PULLMAN, *President.*

Attest, CHAS. W. ANGELL, *Secretary.*

# CONTRACT BETWEEN THE ACTING MINISTER OF RAILWAYS AND CANALS OF THE DOMINION OF CANADA AND PULLMAN'S PALACE CAR COMPANY.

This Indenture, made this eighteenth day of July, A.D. 1883, between Her Majesty Queen Victoria, represented herein by the Honorable J. H. Pope, Acting Minister of Railways and Canals of the Dominion of Canada, hereinafter called the Acting Minister, of the one part, and Pullman's Palace Car Company, hereinafter called the Pullman Company, of the other part:

Whereas the Pullman Company is now engaged in the business of manufacturing railway cars known as sleeping cars, under certain patents belonging to it, and of hiring the same to railway companies, under contracts for a term of years, to be used and employed on and over the lines of the roads of said railway companies, and receiving therefor income and revenue by the sale to passengers of seats, berths and accommodations therein;

And whereas the Acting Minister is desirous of availing himself of the use, or and over the lines of the Intercolonial Railway, hereinafter called the Railway Company, of the cars constructed under said patents, now the property of the Pullman Company, and also of connections by means of said cars with other lines of railway, whereon said cars are now operated by the Pullman Company;

Now this contract witnesseth: *First.*—That the Pullman Company, in consideration of the covenants and agreements of the Acting Minister hereinafter mentioned to be by him kept and performed, hereby agrees with the Acting Minister, that it will furnish sleeping cars to be used by the Railway Company for the transportation of passengers, sufficient to meet the requirements of travel on and over its line of railway, and on and over all lines of railway connecting therewith which it now controls, or may hereafter control, by ownership, lease or otherwise, excepting the Pictou Branch; said cars to be satisfactory to and accepted by the General Manager or Superintendent of the Railway Company, and to consist in part of the eight sleeping cars now assigned to and being operated by the Intercolonial Railway, and named Athol, Clarendon, Clifton, City of London, Moncton, North Star, Pictou and Rover. But it is hereby understood and agreed that the number of cars which the Pullman Company shall be required to furnish on the maintenance basis shall be limited to ten cars, inclusive of the eight cars hereinbefore named and now on the lines of the Railway Company; and that if any more than ten cars are required by the Railway Company for either regular or temporary service, they shall be furnished and operated on the mileage basis, in the manner hereinafter provided. It is further mutually agreed that the eight sleeping cars hereinbefore named, now assigned to



and being operated by the Intercolonial Railway under the provisions of the two several contracts between the Intercolonial Railway and Pullman's Palace Car Company, dated July 27th, 1874, and June 1st, 1876, shall be put in first-class condition under the provisions of said contracts, in the shops of the Railway Company at its expense, as rapidly as they can be withdrawn from service for that purpose. It is further agreed that while the said eight cars are being put in first class condition in the shops of the Railway Company as hereinbefore provided, they shall also, in addition hereto, be remodeled and modernized, so far as their plan of construction will admit of, by the Railway Company at the expense of the Pullman Company, and all expenditures incurred by the Railway Company, incident to such alterations and betterments, shall be paid by the Pullman Company to the Railway Company.

*Second.*—The Pullman Company hereby agrees that it will keep the carpets, upholstery and bedding of all the sleeping cars furnished under this contract in good and cleanly condition, and will renew and improve the same, when necessary, at its own expense, so far as the damage for ordinary wear is concerned, and not otherwise; it being understood and agreed that the Acting Minister shall repair all damages to said cars, of whatsoever kind, occasioned by accident or casualty during the continuance of this contract.

*Third.*—The Pullman Company hereby agrees to furnish, at its own proper cost and expense, one or more employees, as may be needful, upon each of said cars, whose duty shall be to collect fares for the accommodations furnished in said cars, and generally to wait upon passengers therein and provide for their comfort.

*Fourth.*—The Acting Minister hereby agrees that the general officers of the Pullman Company, and the employees named in article third of this agreement, shall be entitled to free passage over the lines of the Railway Company when they are on duty for the Pullman Company.

*Fifth.*—The Pullman Company hereby agrees that the general officers and their secretaries, also the road-masters and inspectors of the Railway Company, shall be entitled to free passes in any of the cars furnished by the Pullman Company under this contract.

*Sixth.*—It is hereby mutually agreed that the said employees of the Pullman Company named in article third of this contract shall be governed by and subject to the rules and regulations of the Railway Company, which are or may be adopted from time to time for the government of its own employees; and in the event of any liability arising against the Railway Company for personal injury, death or otherwise, of any employee of the Pullman Company, it is hereby distinctly understood and agreed that the Railway Company shall be liable only to the same extent it would be if the person injured was an employee in fact of the Railway Company, and for all liability in excess thereof shall be indemnified and paid by the Pullman Company.

*Seventh.*—In consideration of the use of the aforesaid cars, the Acting Minister hereby agrees to haul the same on the Intercolonial Railway, and on all roads connecting therewith which it now controls, or may hereafter control, by ownership, lease or otherwise, excepting the Pictou Branch, on such trains and in such manner as shall, in the judgment of the General Manager or General Superintendent of said Railway Company, be best adapted to accommodate passengers upon the said railways; and to keep the ten cars furnished upon the maintenance basis in good order and repair, including the renewal of worn-out parts, and all things appertaining to said cars necessary to keep them in first class condition, except such as are provided for in article second of this agreement; it being understood that the Railway Company shall repair all damage to said cars of every kind occasioned by accident or casualty.

And the Railway Company shall, at its own expense, furnish and apply the necessary lubricating material, provide ice, fuel and material for lights, and will wash and clean all of the cars furnished under this contract, and as often as necessary will renew and replace links and pins, bell-cord and couplings, and couplings for air-brake hose, without charge to the Pullman Company.

*Eighth.*—The Pullman Company hereby agrees that it will keep the cars furnished on the mileage basis as provided for in article first of this contract in good order and repair, and will, from time to time, renew and improve the same when necessary, at its own expense, and will keep said cars up to the average standard of the best and most approved sleeping cars run on any railroad which uses an equal number of sleeping cars, excepting repairs and renewals provided for in article seventh of this agreement, and such as are made necessary by accident or casualty, it being understood that the Railway Company shall repair all damages to said cars of every kind occasioned by accident or casualty during the continuance of this contract, except that the Pullman Company assumes all responsibility for any loss or damage occurring to said cars arising from defective heating apparatus or lights furnished by it.

And the Acting Minister agrees, as proper compensation for the maintenance of the running gear and bodies of said cars, furnished on the mileage basis, that he will pay to the Pullman Company the sum of three cents per car per mile, for every mile run by said cars upon the road of the Railway Company, or upon the roads of other companies by direction of the officers of the Railway Company while in service under this contract.

And the Acting Minister hereby agrees, at all times, when requested by the Pullman Company, to make promptly any repairs to the cars furnished under this contract, on the mileage basis, as may from time to time become necessary; and to make, without request, such repairs as may be required to ensure their safety, rendering bills monthly to the Pullman Company for repairs to said cars, and charging for the same only the actual cost of material and labor expended on such repairs with an addition of ten (10) per cent. to cover general expenses. All settlements and payments for mileage and repairs to be made monthly between said companies.

But it is hereby understood and agreed that whenever the revenue from sales of seats and berths equals an average of seventy-five hundred dollars (\$7,500) per car per annum upon the number of cars furnished under this contract, then, while such revenue shall continue, the Railway Company shall not be required to make repairs at its expense, or to pay mileage for any cars furnished under this contract, and the Pullman Company shall then bear the expense of all the repairs and improvements to said cars except such repairs as are rendered necessary by accident or casualty and such as are provided for in article seventh of this agreement, which shall be made by the railway company as hereinbefore mentioned.

*Ninth.*—The Acting Minister agrees to furnish the Pullman Company, without charge, at convenient points, room and conveniences for airing and storing bedding.

*Tenth.*—The Acting Minister further agrees that the Pullman Company shall be entitled to collect from each and every person occupying said cars such sum for said occupancy as may be usual on competing lines furnishing equal accommodations, and that such rules and regulations shall be agreed upon mutually by the parties hereto as will most favor the renting of accommodations in said cars.

It is mutually understood that no more room in said sleeping cars shall be let to any person or persons than is usually granted to passengers by other railroads, which use their own sleeping cars, unless by assent of the General Superintendent of the Railway Company.

*Eleventh.*—The Acting Minister hereby agrees to permit the Pullman Company to place its tickets for seats and berths for sale in such of the railroad ticket offices as may be desired by the Pullman Company, and such service shall be performed by and as a part of the general duties of the ticket agents and without charge to the Pullman Company; proceeds of such sales to be at the risk of the Pullman Company.

*Twelfth.*—The Acting Minister hereby agrees, except as hereinafter provided, that the Pullman Company shall have the exclusive right, for a term of fifteen years from the eighteenth day of July, 1883, to furnish for the use of the railway company sleeping cars on all the passenger trains of the Railway Company, over its entire line of railway and on all roads connecting therewith which it controls, or may here-



after control, by ownership, lease or otherwise, except the Pictou Branch, and also on all passenger trains on which it may, by virtue of contracts or running arrangements with other roads, have the right to use such cars, and that it will not contract with any other party to run said class of cars on and over said lines of road during said period of fifteen years.

Provided, that in all cases in which the railway company may desire to co-operate with other railroad companies, in forming through lines of sleeping cars, the Pullman Company agrees that cars not owned by it may be run over the lines of the railway company, when necessary to secure such co-operation. But in all such cases it is agreed that the Pullman Company shall have the right to furnish its pro-rata of sleeping cars, based upon the mileage of the railway company in said lines; and in all sleeping cars operated in such through lines, the Pullman Company shall be entitled to receive all local fares for accommodations therein upon the roads of the railway company, and its pro-rata of through fares based upon the number of cars furnished by it in said through lines. And it is in like manner agreed that any party holding the right, by contract or otherwise, to operate sleeping cars upon the road of any particular railroad company forming a portion of the through lines hereinabove referred to, shall be entitled to receive all local fares and pro-rata of through fares, for accommodations therein upon the road of such particular railroad company, in any of the sleeping cars operated in said through lines.

*Thirteenth.*—The Pullman Company, for the consideration aforesaid, hereby guarantees the railway company against all damages of whatsoever kind which may be by the railway company incurred in consequence of any infringement of patent rights in the construction and use of any of said cars which may be used by the Pullman Company upon the lines of the railway company under this agreement; it being the meaning and intent of this article that the Pullman Company shall secure the Railway Company against all manner of expenditures which may be incurred by it in consequence of any litigations connected with alleged infringements of patent rights for the interior arrangements of said cars, and that the Pullman Company will pay off and discharge all judgments obtained at any time against the Railway Company, on account of such infringements.

*Fourteenth.*—It is mutually agreed between the parties hereto, that in case either of said parties shall fail to cleanse or repair, according to the conditions of this agreement, any of said cars, then and in that case, after written notice shall have been given to the defaulting party by the other party, of the default complained of, if the said defaulting party shall neglect or refuse so to cleanse or repair said cars, within a reasonable time after such notice, the other party shall have the right to cleanse and make, or cause to be made, all necessary repairs and renewals to said cars, and said defaulting party shall pay to the other party the cost of such portion of the cleansing and repairs as the said defaulting party is held to be liable for by the terms of this contract.

*Fifteenth.*—It is mutually agreed between the parties hereto that in case either of said parties shall at any time hereafter fail to keep and perform any of the covenants herein contained, to be by them respectively kept and performed, then and in that case, after written notice shall have been given to the defaulting party hereto, of the default complained of, if the said defaulting party shall refuse or neglect to make good, keep and fulfil such unfulfilled covenants and conditions of this agreement, within a reasonable time after such notice, the other party shall be at liberty to declare this contract ended and no longer in force.

*Sixteenth.*—It is mutually agreed between the parties hereto that the Acting Minister shall have the option to determine whether he will provide three-fourths or a less proportion of all the capital required for furnishing the equipment which may be put upon the road of the Railway Company under this contract, and upon the payment of the same to the Pullman Company become a joint owner with the Pullman Company in the said equipment, and receive thereupon three-fourths, or a less proportion, as the case may be, of all the gains or profits, and bear the same proportion of all the losses arising from the business of operating the said cars furnished under

this contract; the Pullman Company to retain the control and management, provided that such option shall be exercised, if at all, and notice thereof communicated to the Pullman Company, in writing, within five years from the eighteenth day of July, A.D. 1883.

For the purposes of the option hereinbefore last provided, it is hereby mutually agreed, that the cars now furnished under this contract, together with such additional cars and equipments as may be subsequently assigned to and accepted by the Railway Company, shall, when the Acting Minister notifies the Pullman Company of his intention to become part owner of said cars and equipments, be appraised by impartial and competent persons, one to be appointed by the Acting Minister, and one by the Pullman Company, they two, in case of disagreement, to appoint a third, and the decision of two to be final, and the value fixed by them shall be taken as the value on which the Acting Minister shall pay three-fourths or a less proportion, as the case may be, in purchasing his interest in the cars and equipments, in the event of exercising such option. In case, however, either of the parties hereto should fail to appoint such appraiser as is herein provided for, when requested by the other, that then, and in such event, the party ready to comply with this contract, shall have the right to appoint two appraisers upon notice to the other party who is in default in such appointment, they two, in case of disagreement, to appoint a third, and the decision of two to be final; and the said appraisers so appointed shall have the same power and effect and their award shall be equally binding and of force as if the said decision had been made by appraisers mutually chosen. It is further agreed that any duties paid to the Dominion of Canada upon the cars and equipments furnished by the Pullman Company under this contract shall be estimated as a part of the valuation on which the Acting Minister shall pay three-fourths or a less proportion, as the case may be, in purchasing his interest in the cars and equipments in the event of exercising such option.

And in the event of the Acting Minister exercising his option to become a part owner of said cars and equipments, it is hereby mutually agreed, for the purpose of ascertaining the profit to be divided between the Pullman Company and the Acting Minister, under this contract, that the operating expenses, which shall be held to include maintenance of said sleeping car equipments, repairs, supplies and all expenses of administration and superintendence, and all expenses resulting from or in any way connected with the operation of said cars, including judgments or payments for injury to passengers, or loss of their property, for which the Pullman Company, as managers may be responsible, shall be deducted from the gross receipts, and the remainder thereof shall be divided in proportion to ownership in such cars and equipments; settlements to be made monthly.

The taxes upon the cars furnished to the Railway Company by the Pullman Company shall be paid, one-half by the Railway Company and one-half by the Pullman Company.

In witness whereof, the Acting Minister hath caused his seal to be attached hereto, and the Pullman Company hath caused its corporate seal to be attached hereto, attested by its president and secretary.

Dated the day and year first above written.

CHARLES TUPPER, *Minister of Railways and Canals.*

A. P. BRADLEY, *Secretary.*

[L.S.]

PULLMAN'S PALACE CAR COMPANY,

[L.S.]

By GEO. M. PULLMAN, *President.*

Attest: A. F. WEINSKEIMAR, *Secretary.*



## SUPPLEMENTAL AGREEMENT

made this eighteenth day of July, A.D. 1883, between Her Majesty Queen Victoria, represented herein by the Hon. J. H. Pope, Acting Minister of Railways and Canals of the Dominion of Canada, hereinafter called the Acting Minister, of the one part, and Pullman's Palace Car Company, hereinafter called the Pullman Company, of the other part :

Whereas the parties hereto have entered into a contract, hereinafter called the original contract, bearing even date herewith, by which, among other things, it was agreed that said contract should be of force and effect for a period of fifteen years from July 18th, 1883,

Now this agreement witnesseth :

*First.*—That the Acting Minister shall have the option and may elect to terminate said original contract on the first day of August, 1885, or on the first day of August, 1893, provided that in case the Acting Minister shall elect to terminate it at either of the above named dates, he shall give notice in writing, to the Pullman Company, of his intention to do so, at least six months before the day on which he may elect as above stated to have said contract end : and provided, also, that in case said contract is thus terminated prior to its expiration, at the election of the Acting Minister and not by reason of any default of the Pullman Company, then and in that case, the Acting Minister shall purchase the cars and equipments of the Pullman Company then in use or assigned and accepted for use upon the lines of the Inter-colonial Railway under said contract, or such interest therein as the Acting Minister may not have previously acquired under the provisions of said contract, at the actual cash value of the same, which valuation shall, in default of mutual agreement, be fixed by arbitration in the manner hereinafter provided for : and in the event of such purchase, the Acting Minister shall have the right to use the said cars and all things connected therewith without charge for patent rights for the interior arrangements of same, which may be owned and controlled by the Pullman Company.

*Second.*—That for the purpose of arriving at the valuation or price to be paid by the Acting Minister to the Pullman Company for the said cars and equipments, that in default of fixing said price or valuation by mutual agreement between the parties hereto, they shall each appoint one appraiser, and the two in case of disagreement shall appoint a third, and the decision of two shall be final, and the value fixed by them shall be taken as the value of said cars and equipments, which the Acting Minister shall pay to the Pullman Company. In case, however, either one of the parties hereto should fail to appoint such appraiser as is herein provided for, when requested by the other, then, and in such event, the party ready to comply with this contract shall have the right to appoint two appraisers upon notice to the other party who is in default in such appointment, they two, in case of disagreement to appoint a third, and the decision of two to be final ; and the said appraisers so appointed shall have the same power and effect, and their award shall be equally binding and of force as if the said decision had been made by appraisers mutually chosen.

*Third.*—That should the Acting Minister elect to exercise either of the options above provided for, and terminate said original contract by giving the notice and paying the actual cash value of the cars and equipments as herein provided for, there shall be estimated and included as a part of said valuation, and payment by the Acting Minister to the Pullman Company, all amounts which may have been paid by the Pullman Company to the Dominion of Canada as duties on said cars and equipments, furnished under said original contract since the date thereof.

*Fourth.*—This Supplemental Agreement is made contemporaneous with the Original Contract between the parties hereto, and is to be construed in its execution as part and parcel thereof.

In witness whereof, the Acting Minister hath caused his seal to be attached hereto, and the Pullman Company hath caused its corporate seal to be attached hereto, attested by its President and Secretary.

Dated the day and year first above written.

CHARLES TUPPER, *Minister of Railways and Canals.*

[L.S.]

A. P. BRADLEY, *Secretary.*

PULLMAN'S PALACE CAR COMPANY,

[L.S.]

By GEO. M. PULLMAN, *President.*

Attest: A. F. WEINKSKEIMAR, *Secretary.*

CANADIAN GOVERNMENT RAILWAYS, OTTAWA, 12th November, 1883.

SIR,—I have the honor to report that the Honorable the Minister of Railways and Canals (Sir Charles Tupper), after a full discussion with me upon the subject of the sleeping car service upon the Intercolonial Railway, concluded it would be in the interest of the road as well as to the travelling public to continue the Pullman service upon certain modifications of the existing contract, three of the new provisions to be insisted upon being :

1. That the old sleeping cars now upon the road should either be rebuilt and fitted up in the most approved modern style, or they should be replaced by new ones of the most approved design.

2. That the Government were not to guarantee earnings.

3. That the number of cars to be put in the service should be increased from eight to ten and that provision should be made for extra cars when required for special service.

Upon the above basis I was instructed to negotiate a contract upon as favorable terms as possible.

Amongst the reasons which influenced the Hon. Minister in determining to continue the Pullman sleeper car service, were the following, viz :—

1. That if the Government operated a sleeping car system of its own it would be found that paying passengers would be excluded from accommodation by "dead heads," as it would be difficult to withstand the pressure for free transport on an extensive scale, and thus the road would get in bad repute and the revenue suffer thereby.

2. They have been thoroughly tested for many years on all the best railways in America, and have been found the safest and best cars in use.

3. As an advertisement, Pullman cars are of great value to any railway which is trying, as the Intercolonial is, to attract American tourist travel, and the adoption of any other cars would be considered as a sign of decline in the excellence of the road.

4. Passengers between Montreal and Halifax and St. John have enjoyed, for many years, the privilege of travelling between these places without change of cars, and during the last summer the advantages of a through car to the Maritime Provinces were extended to passengers to and from Ottawa, which was much appreciated, and if other than the Pullman cars were put upon the Intercolonial this could not be continued, as the contract between the Grand Trunk Railway and the Pullman Company would not admit of it.

5. That the bridge over the St. John River at St. John, now under construction, will no doubt be ready for traffic sometime next year, after which the Intercolonial Railway will have direct rail connection with the American railway system, when it is believed it will be in the interest of the Intercolonial Railway and the travelling public to run through sleeping cars to Bangor or perhaps Portland and Boston, but as these roads leading from St. John to these American cities are under contracts with the Pullman Company which would debar the running of other lines of sleeping cars over those roads, and as it was felt both by the Honorable Minister, the Chief Superintendent of the Intercolonial Railway and me that the public would complain



of any restrictions of their privileges, and that the revenue of the Intercolonial Railway would suffer, it was, as I have stated, determined to negotiate a new contract with the Pullman Company upon a modified basis which the Chief Superintendent of the Intercolonial and I did when visiting Chicago early in July last, and concluded an arrangement which we believed would be found to work satisfactorily, and we strongly urge that this new contract made upon the basis laid down and authorised by the Hon. Minister be completed.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER.

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals.

CANADIAN GOVERNMENT RAILWAYS,  
OFFICE OF THE CHIEF ENGINEER AND GENERAL MANAGER,  
OTTAWA, 28th December, 1883.

SIR,—On the 12th November, ultimo, under No. 32,706, I reported that in my opinion it would be in the interest of the Intercolonial Railway, as well as the public, to continue the Pullman sleeping car service upon certain modifications of the existing contract, and I submitted a contract negotiated by Mr. Pottinger and me for approval.

I however understand that the terms were not considered satisfactory, and that subsequently a discussion of the subject was held between the Hon. Acting Minister (Mr. Pope) and the representatives of the Pullman Palace Sleeping Car Company, which has resulted in a modified agreement with a Supplementary Agreement accompanying it, being submitted by the Pullman Company, which are referred to me. I have the honor to report that the terms embodied in these documents appear to me to be an improvement on those arranged with Mr. Pottinger and me.

The main features of the changes are :

1st. That the option of ownership by the Government is increased from one-half to three-quarters.

2nd. That if the Pullman Company fail to renew their contract with the Grand Trunk Railway, that the Government upon giving three (3) months' notice, within thirty (30) days after 1st August, 1885, the date of the expiration of the Pullman Company's contract with the Grand Trunk, may terminate these agreements.

3rd. That the Government, if they so desire, can terminate the agreement at the expiration of ten (10) years from its date.

The full text of the agreements can best be understood by reading or hearing them read.

I am as strongly convinced as ever that it would be in the interest of the Intercolonial Railway to continue the use of the Pullman palace sleeping car service upon that road ; and I recommend the acceptance of these agreements.

I am, Sir, your obedient servant,

COLLINGWOOD SCHREIBER, *Chief Eng. and Gen. Manager.*

PULLMAN'S CAR COMPANY,  
GENERAL SUPERINTENDENT'S OFFICE, CHICAGO, 14th January, 1884.

DEAR SIR,—I have taken the earliest opportunity since my recent interview with you, to confer with Mr. Pullman in regard to the change which you wished to have made in the Supplemental Agreement that I presented to you.

As the result, I now have the honor to transmit herewith a revised Supplemental Agreement, executed in triplicate on the part of this company, which embraces the terms and conditions as verbally understood between us.

Will you not have the kindness to execute one copy and return to me, together with one copy of the original contract in triplicate I left with you ?

Very respectfully,

GEO. F. BROWN, *General Superintendent.*

Hon. Sir CHARLES TUPPER, Minister of Railways and Canals,  
Dominion of Canada, Ottawa, Ontario.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 20th March, 1884.*

On a memo., dated 19th January, 1884, from the Minister of Railways and Canals, submitting that heretofore the Pullman Car Company have supplied car service on the Intercolonial Railway under contracts dated 27th July, 1874, and 1st June, 1876, and the question of the continuance of this service being now under consideration they have submitted for approval a draft of an indenture together with a supplemental agreement by which certain modifications of the old contracts are proposed.

The Minister states that while the proposed contract would be in force for fifteen years, dating from 18th of July, 1883, provision is made for its termination by the Government in 1885, or in 1893, if so desired, and further for the purchase of the cars and equipments in use at their actual cash value, on those dates, such purchase to cover all patent rights of the company for interior arrangements.

The Minister concurring in the Reports, dated 12th November and 28th December last, of the Chief Engineer of Government Railways, recommends that authority be given for entering into contract with the company in accordance with the terms of the said draft agreements, the contract and agreement to be as of the date the 18th of July, 1883.

The Committee advise that authority be granted as recommended, it being understood that in estimating the actual cash value of the cars and equipments no allowance will be made for the value of any real or supposed patent rights, and that notice of the termination of the contract in August, 1885, be given immediately after the execution of the same.

JOHN J. MCGEE, *Clerk of Privy Council.*

Hon. Minister of Railways and Canals.

This Indenture, made the fourteenth day of June, in the year of Our Lord one thousand eight hundred and seventy-nine, between Her Majesty Queen Victoria, represented herein by the Honorable the Minister of Public Works of Canada, hereinafter styled "the Railway Authorities" of the first part, and The Canadian Express Company, the Eastern Express Company, and Mr. Frederick William Fishwick, of Halifax, in the Province of Nova Scotia, proprietor of Fishwick's Express Company and General Forwarding Agency, hereinafter called "the Express Companies," of the second part :

Whereas by a notice dated the fifteenth day of January, A.D. 1876, tenders for the carrying on of the general express freight business upon the Intercolonial Railway between Rivière du Loup and Halifax and St. John and all intermediate places were invited :

And whereas the tenders of the said "The Canadian Express Company, and the Eastern Express Company respectively, having been accepted by a Minute of Council dated 12th day of May, 1876, an Instrument bearing date 1st July, 1876 was signed by Charles J. Brydges, Esquire, the then General Superintendent of Government Railways, and Francis W. Carr, Superintendent of the Eastern Express Company, and B. P. Cheney, President of the Canadian Express Company, purporting to be made between Her Majesty Queen Victoria, represented by the Minister of Public Works of Canada, of the first part, and the two last above named Express Companies of the second part :

And whereas doubts have arisen as to the validity of the instrument of the 1st of July, 1876, above mentioned, and the said Express Companies were, and are still willing to execute such form of contract as may be presented to them embodying the conditions attached to their tender :

And whereas the said the Canadian Express Company and the Eastern Express Company have expressed a desire to associate with them Mr. Frederick W. Fishwick, for the purpose of carrying on together the general express freight business upon the Intercolonial Railway between Rivière du Loup and Halifax and St. John



and all intermediate stations, and the said Minister of Public Works of Canada has consented to this arrangement :

Now this Indenture witnesseth, and the said The Canadian Express Company, The Eastern Express Company, and the said Frederick W. Fishwick, hereinafter styled "The Express Companies" as aforesaid, for themselves, their successors and assigns, do hereby covenant, promise and agree to and with Her Majesty, Her Heirs and Successors, to carry on the said general express freight business, on the said Intercolonial Railway as aforesaid for a term of ten years, from the first day of July now next ensuing, upon the following terms and conditions, that is to say :

1. That the said Express Companies shall have the right to carry upon all the regular passenger express trains, express freight parcels and money packages, in a compartment to be, from time to time, pointed out by the Railway officials, the dimensions of which to be increased or diminished as the business may require, but in no case to exceed one whole car.

2. That the said Express Companies shall not interfere with the regular freight business of the railway, nor be entitled to carry any supplies or stores for the use of the railway ; and that they shall not interfere with passengers on the trains carrying such small articles or parcels as the passengers are usually permitted to carry on railways ; and in case of any dispute or disagreement as to a breach of this agreement, the Chief Engineer of the Government Railways shall be the sole judge thereof ; and his decision and award thereon shall be binding upon the Express Companies and shall be final and conclusive.

3rd. That the said Express Companies shall provide all the messengers required by them on the trains (but not more than two messengers shall be allowed on any one train) to take charge of express freight, money, parcels, and other goods and chattels in their charge, and also shall provide safes for the safe keeping and care of money and valuable parcels entrusted to them.

4. The said Express Companies shall collect and deliver all express freight at their own expense, and shall provide suitable offices in the principal towns, and shall carry on their business by means of neat and respectable looking vehicles, properly painted and labelled.

5. That all express freight, money, parcels, goods and merchandise in charge of the said Express Companies and which they collect and deliver, shall be at the sole risk of the said Express Companies, and that they alone shall be responsible for any loss or damage that may occur or happen thereto. The Railway Authorities shall be held entirely and wholly free from any claim of any kind or nature, whatsoever or arising from any cause whatever.

6. The said Express Companies shall not, knowingly, receive and put on board any train any parcels, boxes, or other packages, containing nitro glycerine, dualine, gun-powder or any other dangerous, combustible or explosive substance, either solid or liquid.

7. All messengers and officers of the said Express Companies whilst travelling upon the said Railway, shall be carried at their own risk, the said Express Companies hereby expressly agreeing and undertaking to save, keep harmless and indemnify the Railway authorities against any claims for injuries to the messengers or the employees of the said Express Companies while travelling upon the said Railway, whether such injuries arise from any negligence on the part of the Railway Authorities or officials, or from any other cause, and that in every employment or engagement of any messenger or employee by the said Express Companies such employment or engagement shall be made or entered into upon this stipulation or condition by such messenger or employee.

8. And the said Express Companies do further, in consideration of the premises and for the privilege of carrying on the general freight business, agree to pay to the Railway Authorities thirty-three and one-third per cent. of the gross receipts received by them, and to render by the tenth day in each month or so soon after as the same can be made, a statement in detail of their gross receipts for the preceding month, and furnish the same in duplicate to the Chief Engineer of the Government Railways

or such officer or person as he may direct, and the accounts, papers and books of the said Express Companies shall be open to the inspection of the auditor of the Railway to enable him to check and verify the correctness of the said accounts; and it is further agreed that the payment of the said percentage shall be made monthly and if possible, not later than the tenth day in each month.

9. And it is further agreed that the rates to be charged by the said Express Companies shall be submitted to the Chief Engineer of the Government Railways for his sanction and approval, and that he shall have power from time to time to alter change or settle such rates. And it is further agreed that such alteration, change or settlement shall be adopted by and be binding upon the said Express Companies.

10. And it is further agreed that the Railway Authorities will furnish passes on the Railway to the Superintendents of said Express Companies and such other officers as may be approved of by the Chief Engineer of the Government Railways, and that any employee of the said Express Companies who may be objected to by the Chief Engineer of Government Railways shall, upon notice thereof to the Superintendent of the Express Company or Companies in whose employ he is, be forthwith removed and not again employed in, upon and about the Railway.

11. And it is further agreed that passenger tickets shall be sold in all the Express Companies' offices, wherever such offices, or such of them as the Railway Authorities desire, without any commission, deduction or any charge to the Railway Authorities.

12. And it is further agreed that the express business which the said Express Companies are authorised by this agreement to carry on, on this Railway, shall not embrace fresh fish business, which is reserved by the Railway Authorities, except however, as to small parcels, subject to the approval of the Railway Authorities.

13. And the said Railway Authorities, in consideration of the premises, hereby agree that suitable rooms and accommodation in the principal stations of the said Railway will be provided for the use of the said Express Companies, to the extent of such accommodation as will be settled and fixed by the Chief Engineer of the Government Railways.

14. And it is further agreed that, the said Express Companies well and truly performing, fulfilling and keeping on their part the several covenants, conditions and agreements, in these presents, on their part to be performed, fulfilled or kept, the Railway Authorities will not give or grant, during the continuance of these presents any express privileges to any other express companies, corporations, person or persons whomsoever.

In witness whereof the parties of the second part have respectively signed these presents and affixed the corporate seal of their Companies, and the said Minister and the Secretary of Public Works of Canada have signed and sealed the same.

[L.S.] BENJAMIN P. CHENEY, *President Canadian Express Company*

Signed, sealed and delivered in presence of:

A. G. HAWLEY, Witness to signature of B. P. Cheney.

[L.S.] JOHN R. HALL, *President Eastern Express Company.*

F. H. HODGMAN, Witness to signature of John R. Hall.

[L.S.] F. H. FISHWICK, *Proprietor of Fishwick's Express Company.*

GEO. STERLING, Witness to signature of F. H. Fishwick.

[L.S.] CHARLES TUPPER.

H. A. FISSIAULT, Witness to signatures of Charles Tupper and F. Braun.

[L.S.] F. BRAUN, *Secretary.*



That certain portion of the Grand Trunk Railway between River du Loup and Point Levis known as the River du Loup section, having been acquired by the Government of Canada under the provisions of the Statute of Canada, 42 Vic. (1879) chap. 2, and been made under the fifth section of that Act a part of the Intercolonial Railway, Her Majesty the Queen, represented by the Minister of Railways and Canals, as successor to the Minister of Public Works of Canada, of the first part, and the Canadian Express Company, the Eastern Express Company and Mr. Frederick William Fishwick, now incorporated under the name of the Intercolonial Express Company, of the second part, hereby agree that the several provisions, conditions, percentage, reservations and stipulations of the annexed agreement of the 14th June, 1879, in all respects shall extend and are hereby extended to the said River du Loup section of the Intercolonial Railway as fully as if it had formed part of the Intercolonial Railway.

Dated this 29th day of November, 1879.

Signed, sealed and delivered by the Minister of Railways and Canals and by the Secretary in the presence of

H. A. FISSIAULT

CHARLES TUPPER, *Minister of Railways and Canals.*

F. BRAUN, *Secretary.*

S. CHADWICK, *Manager Inter. Express Company.*

F. R. STONE, Witness to signature of S. Chadwick.

OTTAWA, 20th October, 1884.

SIR,—By direction of the Minister of this Department, I forward to you herewith a formal notice, dated this day, of his intention to terminate, on the 1st day of August, 1885, the contract made with your company on the 18th July, 1883, for the provision of sleeping cars and service for the use of the Intercolonial, such termination of contract being made in accordance with the provisions of the supplemental contract between the Company and the Crown bearing the same date. Be pleased to acknowledge the receipt of such notice.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

GEORGE M. PULLMAN, Esq., President Pullman Palace Car Company, Chicago.

*To the Pullman's Palace Car Company.*

Whereas a contract, under seal, was entered into between the Pullman's Palace Car Company and Her Majesty Queen Victoria, represented by the undersigned Minister of Railways and Canals for Canada, bearing date the eighteenth day of July, 1883, wherein it was amongst other things agreed that the said company should for a certain term of years and upon certain terms and conditions therein set out, provide certain sleeping cars for the use of the Intercolonial Railway of Canada;

And whereas a certain supplemental contract under seal (therein declared to be part and parcel of the hereinbefore recited contract) was entered into between the said Company and Her Majesty Queen Victoria, represented by the undersigned Minister, also bearing date the eighteenth day of July, A.D. 1883, wherein it was amongst other things in effect provided that Her Majesty, represented by the undersigned Minister, should have the option and might elect upon the terms and conditions herein set out to terminate the said contract on the first day of August, A.D. 1885, or on the first day of August, A.D. 1893, provided that in case Her Majesty, represented by the undersigned Minister, should elect to terminate the said contract at either of the above dates, then and in such case that Her Majesty, represented by the

undersigned Minister, should give to the said company a notice in writing of the intention so to do at least six months before the day on which Her Majesty, represented by the undersigned Minister, might elect as above stated, to have the said contract annu :

And whereas Her Majesty, represented by the undersigned Minister, has elected to terminate the said contract on the 1st day of August, A.D. 1885;

Now this is to notify you, the said Pullman's Palace Car Company, that Her Majesty Queen Victoria, represented by the undersigned Acting Minister of Railways and Canals for Canada, and the undersigned Acting Minister of Railways and Canals for Canada have elected to terminate upon the 1st day of August in the year of our Lord one thousand eight hundred and eighty-five (1885), the said first mentioned contract of the eighteenth day of July, A.D. 1881, in accordance with the provisions of the hereinbefore in part recited Supplemental Contract.

As witness the Acting Minister of Railways and Canals for Canada hath hereunto set his hand and caused these presents to be sealed and countersigned by the Secretary of the Department of Railways and Canals for Canada, at Ottawa, this twentieth day of October, A.D. eighteen hundred and eighty-four.

J. H. POPE, *Acting Minister of Railways and Canals for Canada.*

(Countersigned)

A. P. RRADLEY, *Secretary.*



## RETURN

(76c)

To an ORDER of the HOUSE OF COMMONS, dated the 23rd February, 1885;—  
For a Comparative Statement of the cost of working the Intercolonial Railway for each of the years 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883 and 1884, and the number of miles operated in each year, giving for each year the cost for locomotive power under the seven (7) sub-headings given in the Minister's Report, Appendix, page 37; for car expenses under the seven (7) sub-headings given in the same Report, same page; for maintenance, way and works, under the ten (10) sub-headings given in the same Report, page 38; for station expenses under the three (3) sub-headings given in the same Report, same page; and for general charges under the seven (7) sub-headings given in the same Report, page 39.

By Command,

J. A. CHAPLEAU,

Department of the Secretary of State,  
Ottawa, 9th March, 1885.

*Secretary of State.*

GOVERNMENT RAILWAYS IN OPERATION,

OFFICE OF THE CHIEF ENGINEER, OTTAWA, 3rd March, 1885.

SIR,—I have the honor to transmit to you herewith a return to an Order of the House, of working expenses of the Intercolonial Railway for the years 1874 to 1884, inclusive, in accordance with the details stated in the annual reports of the Hon. Ministers of Public Works and Railways and Canals, during those years.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER,

*Chief Engineer, General Manager, per THOS. CROSS.*

A. P. BRADLEY, Esq., Secretary, Department of Railways and Canals.

## WORKING Expenses, Intercolonial

	1874. 339 miles.	1875. 339 miles.	1876. 418 miles.	1877. 714 miles.
<i>Locomotive Power.</i>	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Mechanical Superintendent's salary, clerks, office and travelling expenses...	6,540 30	5,227 06	5,009 93	6,795 39
Wages—Drivers, firemen and cleaners ....	56,564 57	52,357 40	61,583 64	97,825 88
Fuel .....	109,313 18	76,865 99	61,143 38	142,510 13
Oil, tallow, waste and small stores .....	17,918 67	12,754 73	11,677 41	19,487 00
Repairs to engines, tenders and tools .....	108,322 27	77,668 36	82,423 98	136,940 81
Water, including pump and tank repairs.	13,179 18	11,058 29	13,464 28	25,238 31
Miscellaneous.....	7,400 86	7,876 35	9,344 18	14,097 74
	319,248 03	243,808 18	244,646 80	442,895 26
<i>Car Expenses.</i>				
Repairs to passenger cars .....	71,494 99	48,014 26	38,457 09	97,622 84
do postal, express and baggage cars	7,648 94	8,669 74	6,907 60	14,956 72
do freight cars and vans .....	87,440 82	80,590 42	49,998 39	80,506 89
Wages of conductors, train baggage masters and brakemen.....	51,621 73	49,456 11	49,997 47	66,827 67
Oil and waste for packing.....	6,566 60	5,158 49	4,700 90	5,211 89
Small stores and fuel .....	15,180 95	15,718 48	18,823 99	30,623 95
Miscellaneous .....	6,087 60	3,789 57	8,028 55	9,520 49
	246,441 63	211,397 07	176,903 99	325,270 45
<i>Maintenance of Way and Works.</i>				
Engineer and his assistant's salaries, clerks, office and travelling expenses...	7,756 37	6,446 71	6,186 79	9,333 45
Wages in repairing roadway fences, semaphores, &c.....	164,130 86	121,855 89	162,603 06	249,131 50
Rails and fastenings .....	252,722 19	310,744 89	194,827 56	208,285 88
Sleepers .....	28,214 83	17,500 23	10,440 55	17,916 01
Timber, lumber, &c., for repairs to bridges, cattle guards, &c .....	13,553 26	8,474 15	12,986 15	13,384 12
Repairs to wharves.....	2,272 35	1,764 32	9,527 71	10,139 08
do bridges and platforms.....	22,876 26	12,145 55	23,688 31	28,500 49
do snow-plough, flanger and tools	11,604 39	8,652 74	12,332 90	17,537 22
Clearing ice and snow.....	9,812 48	22,412 19	28,896 70	28,771 88
Miscellaneous.....	665 55	807 57	867 79	1,281 33
	513,608 54	510,804 24	462,359 47	584,280 84
<i>Station Expenses.</i>				
Salaries and wages of station masters, agents, clerks, telegraph operators, station baggage masters, yard masters, switchmen, watchmen and laborers....	85,422 09	80,068 08	82,597 39	116,578 23
Fuel, oil, light, stationery, tickets and other incidental expenses.....	32,665 20	24,712 99	23,965 53	40,897 62
Miscellaneous .....		961 61		
	118,087 29	105,742 68	106,562 92	157,475 85
<i>General Charges.</i>				
Chief and district superintending, train despatchers, general freight and passenger agents' salaries, clerks and their office and travelling expenses.....	25,088 49	22,125 82	21,194 40	40,292 73
Accounting Department—Salaries of treasurer, traffic auditor, paymaster, cashier, clerks, office and travelling expenses...	17,795 06	16,092 22	16,474 40	28,113 29
Damages to men, animals and goods.....	20,442 22	12,546 47	6,193 50	8,856 06
Ferry service .....	6,685 93	8,326 76	37,647 50	25,266 22
Telegraph expenses (not including pay to operators) .....	3,026 51	991 94	2,047 70	4,247 72
Miscellaneous, printing, advertising, &c....	24,381 01	4,460 61	18,687 60	20,931 89
Agency expenses .....				10,512 59
	105,684 59	71,405 25	102,301 10	138,220 50



## Railway, 1874 to 1884.

1878. 714 miles.	1879. 714 miles.	1880. 825 miles.	1881. 840 miles.	1882. 840 miles.	1883. 840 miles.	1884. 840 miles.
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
7,460 82	6,820 89	5,318 73	5,814 00	6,401 77	7,475 16	7,820 65
118,503 67	117,986 48	122,152 83	137,417 89	148,699 57	175,786 58	175,444 71
157,362 96	154,269 82	177,728 49	185,168 19	241,681 09	298,896 76	265,551 75
25,424 82	27,462 22	20,026 44	31,211 15	34,565 53	44,460 13	50,232 96
180,439 02	192,452 88	170,132 76	167,290 27	192,289 71	165,233 63	178,909 93
37,111 68	46,806 94	23,538 14	24,492 16	24,563 19	27,365 46	38,702 29
13,512 07	12,544 96	23,677 02	35,605 18	35,990 55	47,844 93	40,500 20
537,815 04	558,344 19	550,574 41	586,998 84	684,191 41	767,062 65	757,162 49
64,950 23	70,957 85	55,276 58	56,983 46	45,527 06	55,289 05	62,522 38
19,901 24	26,946 04	16,412 21	16,003 50	18,435 27	16,209 23	18,203 49
88,044 95	107,553 32	127,681 45	146,842 74	179,061 92	178,706 45	181,146 73
99,878 83	102,218 79	113,984 22	128,969 23	142,202 34	167,755 27	177,628 79
10,785 84	13,945 50	10,043 79	15,422 49	21,378 52	26,724 95	33,097 86
26,151 83	26,986 67	26,371 02	35,179 54	47,313 70	48,786 21	42,441 72
15,643 24	14,398 25	9,535 41	11,990 80	15,412 42	14,716 70	16,174 94
325,356 16	363,006 32	359,304 68	411,391 76	469,331 23	508,187 86	531,215 91
10,066 83	9,838 91	6,628 40	7,089 38	7,798 82	5,206 55	3,804 73
275,231 09	346,929 17	230,124 44	248,528 51	278,009 42	297,305 24	280,153 41
218,324 35	355,227 59	7,962 92	9,280 09	16,692 38	47,800 95	18,770 54
31,056 48	49,437 93	18,695 59	9,731 13	44,729 08	64,519 20	46,968 78
25,435 12	72,231 67	27,367 75	18,087 40	21,114 77	39,151 35	38,792 39
3,318 20	2,549 51	8,265 54	4,696 89	3,679 21	11,749 53	6,686 48
45,549 27	65,583 46	45,632 08	31,015 82	48,148 95	67,503 78	105,929 71
15,328 34	18,571 02	16,249 21	17,319 15	14,601 69	12,588 69	15,738 56
12,659 78	23,225 69	22,181 47	32,244 24	38,047 34	33,794 20	41,660 32
2,144 98	3,327 68	2,449 17	2,320 28	3,312 51	2,839 42	2,296 26
641,114 39	946,922 63	385,556 57	380,312 89	476,134 17	582,638 91	560,801 18
141,631 06	140,660 13	148,761 05	184,049 40	209,309 73	243,760 22	254,396 66
43,997 48	40,865 79	43,275 93	57,145 04	61,045 97	69,736 76	71,476 44
185,628 54	190,525 92	192,036 98	241,194 44	270,355 70	313,496 98	325,873 10
52,203 62	55,217 30	39,366 89	45,052 75	55,791 08	67,805 10	63,016 07
31,476 44	25,181 98	21,017 58	21,155 01	20,618 04	20,380 15	19,448 87
7,822 75	8,460 67	3,075 45	3,675 60	14,527 95	13,360 85	17,083 30
14,496 42	17,722 26	24,251 39	23,277 05	23,087 76	20,620 49	22,566 09
2,188 62	2,536 15	2,448 01	1,247 46	2,561 07	1,215 00	2,261 93
19,702 09	22,622 31	20,026 00	21,765 07	29,887 50	32,053 59	31,107 32
8,263 41	9,940 19	7,761 39	6,535 65	15,660 89	12,183 61	15,893 12
136,153 35	141,680 86	117,946 71	122,708 59	162,134 29	167,933 84	171,376 70

## INTERCOLONIAL RAILWAY—Statement

	1873-74. 339 miles.	1874-75. 339 miles.	1875-76. 418 miles.	1876-77. 714 miles.	1877-78. 714 miles.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Earnings.....	893,430 17	861,593 43	848,861 46	1,154,445 35	1,378,946 78
Working Expenses.....	1,301,550 08	1,143,157 42	1,092,774 33	1,661,673 55	1,811,273 56
Profit.....	408,119 91	281,563 99	243,912 87	507,228 20	452,326 78
Loss.....					



# RETURN

(81.)

TO AN ORDER OF THE HOUSE OF COMMONS, dated the 12th February, 1885;—  
For a Statement showing the Names and Places of Residence of all Militiamen of 1812 who received their pension during the last fiscal year, and the amount paid to each of them.

By Command,

J. A. CHAPLEAU,

*Secretary of State.*

Department of the Secretary of State,  
Ottawa, 4th March, 1885.

NAMES and Places of Residence of all Militiamen of 1812 who received their pension during the last fiscal year (1833-84), and the amount paid to each of them.

Name.	Residence.	Amount.
		\$ cts.
Arbuckles, James.....	Grays, N.S.....	30 00
Arbuckles, Barnabas.....	Ponds, N.S.....	30 00
Ayet dit Malo Basile.....	St. Paul, Q.....	30 00
Allen, Aaron.....	Avon, O.....	30 00
Aubin, Alexis.....	St. Félix de Valois, Q.....	30 00
Audet, Marc.....	St. Gervais, Q.....	30 00
Allison, Thomas.....	Allansburg, O.....	30 00
Aubertin, Antoine.....	Boucherville, Q.....	30 00
Alarie, Louis.....	St. Jérôme, Q.....	30 00
Asselin, Albert.....	Côteau, Station, Q.....	30 00
Asselin, Augustin.....	do.....	30 00
Annable, George.....	Moulinette, O.....	30 00
Arpin, André.....	St. Aimé, Q.....	30 00
Anderson, John.....	Baysville, O.....	30 00
Asselin, Joseph.....	Côteau Landing, Q.....	30 00
Beneche, Amable.....	Ottawa, O.....	30 00
Blanchard, Etienne.....	St. Marc, Q.....	30 00
Bonamy, Alexis.....	St. François Xavier, M.....	30 00
Boyles, John.....	Mongolia, O.....	30 00
Bourassa, Charles.....	La Baie du Febre, Q.....	30 00
Brousseau, Isidore.....	St. Pierre les Becquets, Q.....	30 00
Boileau, Athanase.....	Lachine, Q.....	30 00
Bonin, Pierre.....	St. Denis, Q.....	30 00
Bissonnette, Joachim.....	St. Eugène, O.....	30 00
Boulianne, Thomas.....	St. Sauveur, Q.....	30 00
Bérard, Joseph.....	St. Hughes, Q.....	30 00
Bourgeois, Joseph.....	St. Angèle de Lara, Q... ..	30 00
Boyer, Paul.....	Dominionville, O.....	30 00
Brault, Louis.....	St. Remi, Q.....	30 00
Blanchet, Augustin.....	Rivière Bois clair, Q.....	30 00
Brisson, Augustin.....	Ste. Emélie, Q.....	30 00
Ball, James.....	Knowlton, Q.....	30 00
Brown, Henry.....	Lemington, O.....	30 00
Belleville, Pierre.....	Berthier, Q.....	30 00
Boursier, Louis.....	Chateauguay, Q.....	30 00

NAMES and Places of Residence of all Militiamen of 1812 who received their Pensions, &c.—*Continued.*

Name.	Residence.	Amount.
		\$ cts.
Buckner, Philip.....	Clear Creek, O.....	30 00
Burton, John.....	Hotspur, O.....	30 00
Bell, George.....	Dunham, Q.....	30 00
Buteau, Louis.....	St. Raphaël, Q.....	30 00
Bray, François.....	Moose Creek, O.....	30 00
Bilodeau, M. Pierre.....	Ste. Hénédine, Q.....	30 00
Bouchard, Louis.....	St. Remi, Q.....	30 00
Bombardier, Michel.....	St. Timothé, Q.....	30 00
Brousseau, C. Jacques.....	Laprairie, Q.....	30 00
Boucher, Henri.....	St. Félix de Valois, Q.....	30 00
Barrette, Jean Louis.....	St. Remi, Q.....	30 00
Brousseau, Louis.....	St. Isidore, Q.....	30 00
Boucher, François.....	Waterloo, Q.....	30 00
Beautron, do.....	St. Martin, Q.....	30 00
Barrager, Jacob.....	Winchester Springs, O.....	30 00
Bedstead, Alexander.....	Williamsburg, O.....	30 00
Bonham, Jeriah.....	Brantford, O.....	30 00
Ball, Peter M.....	Eden Mills, O.....	30 00
Bennett, Alva.....	Wolf Island, O.....	30 00
Bélangier, Prisque.....	Ste. Cunegonde, Q.....	30 00
Brisbin, William.....	Bomanton, O.....	30 00
Bresette, Hypolyte.....	Victoria Harbour, O.....	30 00
Bongard, Conrad.....	Pringer, O.....	30 00
Bessey, John.....	St. Catherines, O.....	30 00
Bisson, Joseph.....	St. Hyacinthe, Q.....	30 00
Bellisle, Joseph.....	Ste. Anne des Plaines, Q.....	30 00
Blais, Gabriel.....	Berthier, Q.....	30 00
Barbary, François.....	Brownsburgh, Q.....	30 00
Beaulieu, Edouard.....	Bienville, Q.....	30 00
Bilodeau, Jean.....	St. Henri, Q.....	30 00
Boisvert, Louis.....	St. Grégoire, Q.....	30 00
Blondin, François.....	St. Polycarpe, Q.....	30 00
Brinton, P. Brinton.....	Brownsville, O.....	30 00
Babcock, Elie.....	Harrowsmith, O.....	30 00
Boyer, François.....	St. Téléphore, O.....	30 00
Bristol, John W.....	Napanee, O.....	30 00
Barré, Nicolas.....	Coteau St. Louis, Q.....	30 00
Belisle, Alexis.....	Berthier, Q.....	30 00
Earl, François.....	Ste. Geneviève, Q.....	30 00
Bray, Pierre.....	St. Polycarpe, Q.....	30 00
Bissonnette, Paul.....	do.....	30 00
Blanchette, Charles.....	Ste. Madelaine, Q.....	30 00
Boivin, Elisée.....	Ste. Irene, Q.....	30 00
Beaupré, Noël.....	St. Alexandre, Q.....	30 00
Boisvert, Jean Baptiste.....	Drummondville, Q.....	30 00
Bissonnette, J. M.....	Plantagenet, Nord, U.....	30 00
Boomhower, Jacob.....	Dunham, Q.....	30 00
Bodine, Nicholas.....	Mosa Glencoe, O.....	30 00
Bristol, Coleman.....	Bath, O.....	30 00
Brown, James.....	Nictaux Falls, N.S.....	30 00
Barkhouse, John.....	Martin's Point, N.S.....	30 00
Brooks, Cooper.....	Campbell's Corner, O.....	30 00
Bright, John.....	Toronto, O.....	30 00
Blouin, Antoine.....	Lambton, Q.....	30 00
Carty, Silas.....	Sandy Cove, N.S.....	30 00
Cowichène, Jean Baptiste.....	St. François du Lac, Q.....	30 00
Chapelaine, Joseph.....	do do.....	30 00
Carpentier, Benjamin.....	St. Cuthbert, Q.....	30 00
Card, Amos.....	Moscow, O.....	30 00
Cameron, Daniel.....	Brownsdale, U.S.A.....	30 00
Cudney, Daniel.....	Homer, O.....	30 00
Card, Joseph.....	Moscow, O.....	30 00
Côté, Joseph.....	St. Damase, Q.....	30 00
Catudal, Michel.....	St. Paul l'Abbotsford, Q.....	30 00
Chisholm, John.....	Martintown, O.....	30 00



NAMES and Places of Residence of all Militiamen of 1812 who received their Pensions, &c.—*Continued.*

Name.	Residence.	Amount.
		\$ cts.
Côté, Etienne.....	St. Flavien, Q.....	30 00
Côté, Joseph.....	St. Ferdinand, Q.....	30 00
Castonguay, Joseph.....	St. Roch (Islet), Q.....	30 00
Charest, Michel.....	St. Hélène, Q.....	30 00
Chatelaine, Etienne.....	Curran, O.....	30 00
Cronk, Asa.....	Moss Glen, N.B.....	30 00
Cormier, Ambroise.....	Caraget, N.B.....	30 00
Calkins, Elijah S.....	Hampshire, U.S.A.....	30 00
Cadieux, André.....	Penetanguishene, O.....	30 00
Cousineau, Luc.....	St. Clet, Q.....	30 00
Collard, Robert.....	Norwich, O.....	30 00
Cantara, J. B.....	Sorel, Q.....	30 00
Crosby, James.....	Markham, O.....	30 00
Cornel, Aaron.....	Byron, O.....	30 00
Chartrain, Jacques.....	St. Roch (Quebec), Q.....	30 00
Cartier, Joseph.....	Valleyfield, Q.....	30 00
Corbeil, Pierre.....	do.....	30 00
Clendenning, Robert.....	Humberstone, O.....	30 00
Cédilat, Gabriel.....	St. Zotique, Q.....	30 00
Casselman, John T.....	Williamsburg, O.....	30 00
Coons, Samuel.....	Iroquois, O.....	30 00
Cadieux, François.....	St. Bruno, Q.....	30 00
Cain, Barnabas.....	Cushion Glen, O.....	30 00
Coutu, Alexis.....	Berthier, Q.....	30 00
Cholette, Hyacinthe.....	St. Polycarpe, Q.....	30 00
Cameron, Duncan.....	Alexandria, O.....	30 00
Chapman, Stephen S.....	Fenwick, N.B.....	30 00
Cameron, John.....	South Norwich, O.....	30 00
Chalifour, J. Bte.....	Ste. Rose, Q.....	30 00
Curry, William.....	River Beaudette, Q.....	30 00
Cromder, Andrew.....	Morewood, O.....	30 00
Collin, Joseph.....	Ste. Cecile du Bic, Q.....	30 00
Charbonneau, Joseph.....	St. Sébastien, Q.....	30 00
Cadieux, Jacques.....	Vaudreuil, Q.....	30 00
Cornelius, Nicholas.....	Morganstown, O.....	30 00
Cameron, George Wm.....	Port Burwell, O.....	30 00
Chagaon, Joseph.....	St. Dominique, Q.....	30 00
Camira, Charles.....	St. Paul de Chester, Q.....	30 00
Côté, Charles.....	St. Hilaire, Q.....	30 00
Chief Tom.....	Strathroy, O.....	30 00
Caldwell, William.....	do.....	30 00
Conturier, Hubert.....	Lefebvre, O.....	30 00
Clement, Samuel T.....	South Zona, O.....	30 00
Charbonneau, Joseph.....	St. Vincent de Paul, Q.....	30 00
Diamault, Paul.....	St. Hyacinthe, Q.....	30 00
Demers, J. Bte.....	St. Eustache, Q.....	30 00
Duquette, Jacques.....	Malmaison, Q.....	30 00
Decelles, Antoine.....	Verchères, Q.....	30 00
Dumas, Charles.....	St. Casimir, Q.....	30 00
Dansereau, Joseph.....	Verchères, Q.....	30 00
Dalpe, Noël.....	St. Alexandre, Q.....	30 00
Daughne, Joseph.....	Canboro', O.....	30 00
Dafoe, John.....	Parma, O.....	30 00
Dontigny, Frs.....	Champlain, Q.....	30 00
Demers, Nicholas.....	St. Valentin, Q.....	30 00
Derrick, William.....	Clarenceville, Q.....	30 00
Desnoyers, Antoine.....	St. Philippe, Q.....	30 00
Drew, James.....	Clarenceville, Q.....	30 00
Derrick, Anthony.....	do.....	30 00
Diamond, John.....	Belleville, O.....	30 00
Doan, Levi.....	Humberston, O.....	30 00
Diamond, William F.....	Belleville, O.....	30 00
Davis, Lyman.....	Trenton, O.....	30 00
Deltor, George H.....	Napanee, O.....	30 00
Davis, Thomas.....	Hamilton, Q.....	30 00

Names and Places of Residence of all Militiamen of 1812 who received their Pensions, &c.—Continued.

Name.	Residence.	Amount.	
		\$	cts
Desjardins, Louis.....	St. Polycarpe, Q.....		30 00
Dubeau, J. B.....	do.....		30 00
Doty, John P.....	Weymouth, N.S.....		30 00
Dubé, Honoré.....	St. Modeste, Q.....		30 00
Dufresne, Antoine.....	Trois Rivières, Q.....		30 00
Dubois, Noël.....	St. Nicholas, Q.....		30 00
Denomée, Alexis.....	St. Barthélemi, Q.....		30 00
Davies, William.....	West Shefford, Q.....		30 00
Duval, Joseph.....	St. Zotique, Q.....		30 00
Decaire, Jean Bte.....	St. Clet, Q.....		30 00
Deneault, J. Bte.....	St. Jean Chrysostome, Q.....		30 00
Dezilet, Joseph.....	Chatham, O.....		30 00
Dion-Deslauriers, Joseph.....	St. Nicholas, Q.....		30 00
Dubreuil, Antoine.....	Côteau du Lac, Q.....		30 00
Dalpe, Hypolite.....	Varennes, Q.....		30 00
Eamer, Michael.....	Harrison Corner, O.....		30 00
Evon, Joseph.....	Sandwich, O.....		30 00
Emrick, Henry.....	Clarenceville, Q.....		30 00
Everett, James.....	Plympton, N.S.....		30 00
Freeman, Isaac.....	Trafalgar, O.....		30 00
Frénie, Firmin Lesieur.....	Yamachiche, Q.....		30 00
Fortin, Belonie.....	Bridgewater, O.....		30 00
Fournier, Jacques.....	Rivière Beaudette, Q.....		30 00
Fleury, Isidore.....	St. Justin, Q.....		30 00
Fulford, Jonathan.....	Teeswater, O.....		30 00
Forester, John.....	Shanley, O.....		30 00
Fréchette, Amable.....	St. Norbert, Q.....		30 00
Ferguson, Donald.....	Dalkeith, O.....		30 00
Fortin, Jacques.....	St. Irénée, Q.....		30 00
Fancher, Louis.....	Ste. Anne, U.S.A.....		30 00
Fournier, Joseph.....	St. Zotique, Q.....		30 00
Fournier, Thomas.....	St. Thomas, Q.....		30 00
Fleurie, Antoine.....	Grantham, Q.....		30 00
Filion, A. A.....	Côteau du Lac, Q.....		30 00
Field, Daniel.....	Chatham, O.....		30 00
Grenier, François.....	Pont Chateau, Q.....		30 00
Gauthier, J. Bte.....	Sorel, Q.....		30 00
Gélinas, Pierre.....	St. Barnabé, Q.....		30 00
Gingras, Charles.....	St. Appolinaire, Q.....		30 00
Guimond, Joseph.....	St. Timothée, Q.....		30 00
Griffin, David.....	Stratfordville, O.....		30 00
Gauthier, Jacques.....	Tecumseh, O.....		30 00
Gendron, Laurent.....	St. François, Q.....		30 00
Gosselin, Joachim.....	St. Ferdinand, Q.....		30 00
Gauthier, Noël.....	St. Guillaume, Q.....		30 00
Gervais, J. B.....	St. Pie, Q.....		30 00
Groves, James.....	Cornwall, O.....		30 00
Guegn, Placide.....	Cocagne, N.B.....		30 00
Gervais, Alexis.....	St. Henri, Q.....		30 00
Galipeau, Laurent.....	Ste. Dorothee, Q.....		30 00
Garvey, John.....	Cayuga, O.....		30 00
Grant, Richard N.....	Glen Walter, O.....		30 00
Gosselin, François.....	North Stuckeley, Q.....		30 00
Granger, Claude.....	Napierville, Q.....		30 00
Garratt, William.....	Wellington, O.....		30 00
Girard, Louis.....	Yamaska, Q.....		30 00
Gauthier, François.....	St. Charles, Q.....		30 00
Guérard, Jean.....	St. Roch, Q.....		30 00
Gingras, Augustin.....	St. Sauveur, Q.....		30 00
Gauthier, Joseph.....	St. Scholastique, Q.....		30 00
Gervais, Pierre.....	West Farnham, Q.....		30 00
Giguère, Claude.....	St. Antoine, Q.....		30 00
Gagné, Louis.....	Hebertville, Q.....		30 00
Gilbert, J. B.....	St. Ambroise, Q.....		30 00
Girouard, Marin.....	Buctouche, N.B.....		30 00



Names and Places of Residence of all Militiamen of 1812 who received their Pensions, &c.—*Continued.*

Name.	Residence.	Amount.
		\$ cts.
Grenier, Louis	Maskinongé, Q.	30 00
Guérin, J. B.	Ste. Philomène, Q.	30 00
Hamel, Pierre.	St. Flavien, Q.	30 00
Harvey, Joseph.	St. Alexis, Q.	30 00
Hubert, Antoine.	Belœil, Q.	30 00
Hawley, Tyrus.	Enterprise, O.	30 00
Howley, Johnston.	Hay Bay, O.	30 00
Hanes, Jacob.	Matilda, O.	30 00
Hallady, Ebenezer.	Elgin, O.	30 00
Harris, Joseph.	Gore's Landing, O.	30 00
Huff, Isaac	Springbrook, O.	30 00
House, Mathew.	Aylmer, O.	30 00
Huyck, Joseph P.	Belleville, O.	30 00
Haight, Joseph.	do	30 00
Houle, Martin	St. Polycarpe, Q.	30 00
Houle, Joseph.	Pointe du Lac, Q.	30 00
Hubert, Antoine	Wheatland, U.S.	30 00
Houle, Joseph.	St. Robert, Q.	30 00
Hyatt, James.	Stamford, O.	30 00
Horning, Aaron.	Kingsville, O.	30 00
Huff, Charles.	Glenalda, O.	30 00
Hayes, John C.	Norquay, Man.	30 00
Haynes, Adam.	Louth, O.	30 00
Hill, Joseph.	Shannonville, O.	30 00
Hemlock, Jacob.	St. Régis, Q.	30 00
Henderson, William.	Hennison, Q.	30 00
Hurtubise, Nicholas.	Como, Q.	30 00
Hubert, Paul.	St. Edouard, Q.	30 00
Hall, Chas. Y.	Hochelaga, Q.	32 50
Isabel, Guillaume.	St. Gervais, Q.	30 00
Jeannotte, Basile.	St. Agathe, Q.	30 00
Joyal, Antoine	St. François du Lac, Q.	30 00
Johnson, Peter.	Courtland, O.	30 00
Jeannotte, Antoine.	Pointe aux Trembles, Q.	30 00
Joyal, Michel	St. Thomas de Pierreville, Q.	30 00
Jubenville, Pierre.	St. Pie, Q.	30 00
Joly, Hardouin.	St. Felix de Valois, Q.	30 00
Jones, Stephen.	Westport, O.	30 00
Johnson, John	Lansdowne, O.	30 00
Jeannotte, Prudent.	Montreal, Q.	30 00
Jubenville, Pierre.	Vaudreuil, Q.	30 00
Jeannotte, Joseph.	St. Marc, Q.	30 00
Johnson, George W.	Clarenceville, Q.	30 00
Joliceur, Thomas.	St. Henri, Q.	30 00
Johnson, John S.	Brantford, O.	30 00
Kennedy, Archibald.	Hallowell Grant, O.	30 00
Kinckle, John Fred.	Lunenburg, N.S.	30 00
Kennedy, Morris.	Thedford, J.	30 00
Keef, John.	Waterloo, Q.	30 00
Keet, David.	Magog, Q.	30 00
Keltner, Siméon.	Salmon Point, O.	30 00
Konckle, Adam.	Clinton, O.	30 00
Kalar, John.	Lynden, O.	30 00
Kitchen, William.	Bloomburg, O.	30 00
Kilmer, Philip.	Wyoming, O.	30 00
Karistatsika, Kar.	St. Régis, Q.	30 00
Kennedy, Daniel S.	Kettleby, O.	30 00
Kilborn, John.	Newboro', O.	30 00
Ketcheson, Elijah.	Belleville, O.	30 00
King, George.	Strathroy, O.	30 00
Kasakete, François.	Caughnawaga, Q.	30 00
Levis, Levi R.	Lambeth, O.	30 00
Lacombe, Jean B.	Como, Q.	30 00
Labelle, Toussaint.	St. Thérèse, Q.	30 00
Laroche, Louis.	Maskinongé, Q.	30 00

NAMES and Places of Residence of all Militiamen of 1812 who received their Pensions, &c.—*Continued.*

Name.	Residence.	Amount.
		\$ ct
Labonté, J. B.	Belle Rivière, Q.	20 00
Landreville, François	St. Esprit, Q.	30 00
halande, Hyacinthe	Ottawa, O.	30 00
Lavoie, Olivier	Baie St. Paul, Q.	30 00
Lacerte, Pierre	Trois Rivières, Q.	30 00
Landry, J. B.	do	30 00
Landrian, J. M.	Ripon, Q.	30 00
Leclerc, Joseph	St. Marie (Beauce), Q.	30 00
Lawson, John M.	Brighton, O.	30 00
Lavallé, Pierre	Sorel, Q.	30 00
Larocque, Charles	St. Croix, Q.	30 00
Leclerc, Alexis	St. Léon, Q.	30 00
Lavigne, T. B.	Joliette, Q.	30 00
Lacombe, Joachim	St. Barnabé, Q.	31 00
Lepage, Michel	Thurso, Q.	30 00
Lafrance, Charles	St. Luc, Q.	30 00
Lirette, Hubert	Cocagne, N.B.	30 00
Labbé, Jacques	St. Laurent de Montmorency, Q.	30 00
Labonté, François	Lacolle, Q.	30 00
Labonté, François X.	St. Jean Baptiste (Rouville), Q.	30 00
Loney, John	Cornwall, Ont.	30 00
Laprade, Basile	St. Didace, Q.	30 00
Lessard, George	Montreal, Q.	30 00
Legault, François	St. Timothée, Q.	30 00
Lalonde, J. B.	St. Clot, Q.	30 00
Longway, Joseph	Caro, U.S.	30 00
Loree, James	Garafraxa, O.	30 00
Lloyd, John G.	Gananoque, O.	30 00
Lamothe, Pierre	Ste. Anne, Q.	30 00
Laurin, François	Gatineau, Q.	30 00
Larocque, Pierre	St. Andrews, Q.	30 00
Laguerre, Hilaire	Ste. Anne de la Pêrade, Q.	30 00
Larocque, Louis	St. Athanase, Q.	30 00
Lessard, Louis	do	30 00
Longchamps, Pierre	St. Henri, Q.	30 00
Lafêche, Olivier	Ste. Anne de la Pêrade	30 00
Lalonde, Joseph	St. Polycarpe, Q.	30 00
Lattimer, William	Napanea, O.	30 00
Lounsberry, James	Forest, O.	30 00
Lalonde, Joseph	St. Zotique, Q.	30 00
Loucks, John W.	Williamsburg, O.	30 00
Leblanc, Etienne	St. Zotique, Q.	30 00
Laprade, Jean Baptiste	St. Félix de Valois, Q.	30 00
Loyer, Louis	St. Vincent de Paul, Q.	30 00
Lafleur, Pierre	St. Léon, Q.	30 00
Laperrière, J. B.	do	30 00
Lefebvre, Jacques	St. Rémi, Q.	30 00
Lacoste, Pierre	St. Jean, Q.	30 00
Laine, Luc	St. Antoine de Tilly, Q.	30 00
Luke, Jacob V.	St. Armand, Q.	30 00
Létourneau, Alexis	St. Félix de Valois, Q.	30 00
Leblanc, Basile	St. Robert, Q.	30 00
Landon, John	Fitzroy Harbour, O.	30 00
L'Ecuyer, Joseph	Vaudreuil, Q.	30 00
Levasseur, Augustin	Ste. Anne des Monts, Q.	30 00
Lacombe, Joseph	Lavaltrie, Q.	30 00
Lefebvre, Geoffroi	St. Rémi, Q.	30 00
Lacourse, Claude	Stanley, O.	30 00
Lypps, Henry	Colchester, O.	30 00
Langlois, François	St. Thomas, Q.	30 00
Montigny, J. B.	Woonsocket, U.S.	30 00
Martin, Frank	Moulinette, O.	30 00
Markely, Christopher	Prince Albert, N.W.T.	30 00
Mallet, Jean B.	St. Laurent, Q.	30 00
Moyen, François	Quebec	30 00



Names and Places of Residence of all Militiamen of 1812 who received their Pensions, &c.—Continued.

Name.	Residence.	Amount.
		\$ cts.
onfette, Antoine.....	Ste. Croix, Q.....	30 00
orin, Charles.....	Notre Dame Auxiliatrice, Q.....	30 00
orriil, Joseph.....	Danville, Q.....	30 00
énard, Hyacinthe.....	St. Eugène, Q.....	30 00
artin, Pierre.....	St. Laurent, Q.....	30 00
alette, Joseph.....	Rigaud, Q.....	30 00
énard, Charles.....	St. Urbain, Q.....	30 00
athieu, Joseph.....	St. Louis, Q.....	30 00
onat, Joseph.....	St. Alexandre, Q.....	30 00
arion, Joseph.....	St. Jacques, Q.....	30 00
ingle, John.....	St. Ann's, O.....	30 00
arieau, Joseph.....	Coteau Station, Q.....	30 00
iller, Henry.....	Dunbar, O.....	30 00
alette, Théodore.....	Rigaud, Q.....	30 00
erriit, Robert C.....	Smithville, O.....	30 00
itchell, Ira.....	Elgin, O.....	30 00
arin, John.....	West Lake, O.....	30 00
orden, Joseph.....	Northport, O.....	30 00
ontambenau, Michel.....	Bécancour, Q.....	30 00
unro, William.....	Ottawa, O.....	30 00
ontpetit, Augustin.....	St. Zotique, Q.....	30 00
eyers, Godfrey.....	Eamer's Corners, O.....	30 00
eyers, Tobias W.....	Trenton, O.....	30 00
orio, Joseph.....	St. Justin, Q.....	30 00
unro, John.....	Williamsburg, O.....	30 00
hkonce, Simon.....	Oka, Q.....	30 00
iller, John.....	Morrisburg, O.....	30 00
ailory, William N.....	Perth, O.....	30 00
orin, J. Bie.....	St. Célestin, Q.....	30 00
orin, Alexis.....	St. Athanase, Q.....	30 00
itchell, Darius.....	Vackell, O.....	30 00
agna, Pierre M.....	Saratoga Springs, U.S.A.....	30 00
ailoux, François.....	St. Barnabé, Q.....	30 00
iller, Jacob.....	Glastonbury, O.....	30 00
ainville, Louis.....	Windsor, O.....	30 00
atthews, John.....	Lynedock, O.....	30 00
iller, James.....	Lansing, O.....	30 00
cdonell, Angus R.....	Greenfield, O.....	30 00
cdougald, Ronald.....	Glenroy, O.....	30 00
cdonell, Angus.....	St. Andrews, O.....	30 00
cdonald, James.....	Lancaster, O.....	30 00
cdouaig, John B.....	St. Téléphore, Q.....	30 00
cdcarthy, Charles.....	Drumbo, O.....	30 00
cdonald, Angus.....	North Lancaster, O.....	30 00
cdonell, Alexander.....	Lancaster, O.....	30 00
cdonald, Alexander.....	Barney River, O.....	30 00
cdonald, Hugh.....	Malignant Cove, N.S.....	30 00
cdonell, Alexander.....	Charlottenburg, O.....	30 00
cduff, Charles.....	St. Julie, Q.....	30 00
cdewen, William.....	Carsonby, O.....	30 00
cdlead, Alexander.....	Laggan, O.....	30 00
cdcrimmon, Duncan.....	Point Traverse, O.....	30 00
cdcall, Daniel.....	Fort William, O.....	30 00
cdlennan, Hugh.....	Cushion Glen, O.....	30 00
cdnaughton, Donald.....	Lachine, Q.....	30 00
cdmillan, Duncan.....	Lochiel, O.....	30 00
cdkay, John.....	New Glasgow, N.S.....	30 00
cdnaughton, John.....	Harrison's Corners, O.....	30 00
cdcue, Peter.....	Rockport, O.....	30 00
cdmillan, Donald.....	St. Andrews, O.....	30 00
cdewan, W. H.....	Reese, U.S.A.....	30 00
cdfarland, Duncan.....	Lincoln, O.....	30 00
cdkee, William.....	Rivière Beaudette, Q.....	30 00
cdonell, Alexander.....	Cornwall, O.....	30 00
cdadeau, Alexis.....	St. François du Lac, Q.....	30 00

NAMES and Places of Residence of all Militiamen of 1812 who received their Pensions, &c.—*Continued.*

Names.	Residence.	Amount.
Nadeau, Alexandre.....	St. Jean, Q.....	\$ 30 00
Niding, J. B.....	Laprairie, Q.....	30 00
Oliver, Frederick.....	Richmond, O.....	30 00
Orser, Elijah.....	Picton, O.....	30 00
Oligny, Isaac.....	St. Rémi, Q.....	30 00
Onderkirk, Henry.....	Raymond, O.....	30 00
Orser, David.....	Codrington, O.....	30 00
Oles, John.....	Brantford, O.....	30 00
Ostrander, Thadeus.....	Sutton, O.....	30 00
Ouellette, Alexis.....	St. Augustin, Q.....	30 00
Ouellet, André.....	St. Paschal, Q.....	30 00
Privé, Joseph.....	Winooski, U.S.A.....	30 00
Prunier, J. Bte.....	Fall River, U.S.A.....	30 00
Proteau, Nicholas.....	Clambly, Q.....	30 00
Pagé, Jean Bte.....	Mill End, Q.....	30 00
Pichette, Augustin.....	St. Hyacinthe, Q.....	30 00
Poissant, Charles.....	Ange Gardien, Q.....	30 00
Payette, Jean Bte.....	Stukely, Nord, Q.....	30 00
Palmer, James.....	Danforth, O.....	30 00
Pellerin, Damase.....	Lauson, Q.....	30 00
Peltier, André.....	Contrecoeur, Q.....	30 00
Palmer, John.....	Dorchester, N.B.....	30 00
Perrault, Louis.....	West Farnham, Q.....	30 00
Paré, Augustin.....	Isle Verte, Q.....	30 00
Paré, Theodore.....	Stanbridge, Q.....	30 00
Perry, Francis.....	Oswego, U.S.A.....	30 00
Pagé, François.....	St. Hermas, Q.....	30 00
Piché, Joseph.....	St. Grégoire, Q.....	30 00
Poupard, Alexis.....	Laprairie, Q.....	30 00
Poirier, Joachim.....	St. Timothée, Q.....	30 00
Pipher, William.....	Ringwood, O.....	30 00
Pageau, J. B.....	St. Ambroise, Q.....	30 00
Poulet, Charles.....	St. Anselme, Q.....	30 00
Pelton, Elijah.....	South Gower, O.....	30 00
Patenaude, Ambroise.....	Ste. Marie, Q.....	30 00
Pinsonnault, Paul.....	Sherrington, Q.....	30 00
Patenaude, Pierre.....	do.....	30 00
Prejout, Joseph.....	St. Louis, Q.....	30 00
Pesant, François.....	Sault au Recollet, Q.....	30 00
Paquette, Charles.....	St. Martin, Q.....	30 00
Perkins, John.....	Ballantrae, O.....	30 00
Prévost, Benoni.....	St. Zotique, Q.....	30 00
Pelletier, Clément.....	St. Michel, Q.....	30 00
Pillar, John.....	Russell, O.....	30 00
Pontbrillant, Jean.....	Sorel, Q.....	30 00
Poulin, Alexis.....	St. Victor, Q.....	30 00
Pepin, Olivier.....	St. Pierre les Becquets, Q.....	30 00
Pellerin, Paul.....	Yamachiche, Q.....	30 00
Pilon, Alexandre.....	St. Andrews, Q.....	30 00
Preston, Benjamin.....	Frankford, O.....	30 00
Poupard, J. Bte.....	St. Rémi, Q.....	30 00
Pion, Jean Bte.....	St. Hyacinthe, Q.....	30 00
Patenaude, Etienne.....	Ste. Martine, Q.....	30 00
Piercy, Michael.....	Bellrock, O.....	30 00
Picard, Pierre.....	Colchester Centre, U.S.A.....	30 00
Perrault, Joseph.....	Eardley, Q.....	30 00
Queanel, Antoine.....	L'Assomption, Q.....	30 00
Quenneville, François.....	Valleyfield, Q.....	30 00
Roy, Charles.....	West Farnham, Q.....	30 00
Rich, Joseph.....	Dixville, Q.....	30 00
Robert, François.....	Hemmingford, Q.....	30 00
Rousseau, Benjamin.....	St. Apollinaire, Q.....	30 00
Rowse, Henry.....	St. Roch, Q.....	30 00
Richards, John.....	Picton, O.....	30 00
Rombough, Jacob.....	Centerville, O.....	30 00



Names and Places of Residence of all Militiamen of 1812 who received their Pensions, &c.—*Continued.*

Name.	Residence.	Amount.
		\$ cts.
Borison, Robert D.	Westport, O.	30 00
Redmond, Marcus	West Winchester, O.	30 00
Rosebeck, Nicholas	Gananoque, O.	30 00
Robidas, François	Yamachiche, Q.	30 00
Robidoux, Etienne	St. Michel, Q.	30 00
Raiche, Antoine	St. Camille, Q.	30 00
Robillard, Joseph	Alfred, O.	30 00
Rossignol, Antoine	Springfield, O.	30 00
Rochette, Michel	Sorel, Q.	30 00
Ross, Robert	King, O.	30 00
Robidoux, J. Bte.	Amherstburg, O.	30 00
Renaud, Pierre	Lavaltrie, Q.	30 00
Roy, François	St. Vincent de Paul, Q.	30 00
Robbin, Stephen	Adolphustown, O.	30 00
Roy, Joseph	St. Simon, Q.	30 00
Rakokenni, Pierre	Caughnawaga, Q.	30 00
Ronoresee, Mathias	do	30 00
St. Marie, Joseph	St. Hubert, Q.	30 00
Sullivan, John	Chatham, O.	30 00
Sivignée, François	St. Esprit, Q.	30 00
Sills, William	Phillipston, O.	30 00
Sorms, John	Odesa, O.	30 00
Steinburg, Peter	Asakis, U.S.A.	30 00
St. Louis, Ambroise	St. Barthelemy, Q.	30 00
St. Pierre, James P.	Cherry Valley, O.	30 00
St. Pierre, Nathaniel	Springfield, N.B.	30 00
St. Pierre, Michel	Beaver, O.	30 00
St. Hilaire, Augustin	St. Roch, Q.	30 00
St. Louis, J. B.	St. Eustache, Q.	30 00
St. Louis, Felix	Noyau, Q.	30 00
St. Louis, William	Lacolle, Q.	30 00
St. Louis, John H.	Port Rowan, O.	30 00
St. Louis, Horace	Forfar, O.	30 00
St. Louis, Duncan	Williamstown, O.	30 00
St. Louis, Robert	Kingston, O.	30 00
St. Louis, Francis	Sanford, O.	30 00
St. Louis, Joachim	Pont Château, Q.	30 00
St. Louis, Etienne, Jean	St. Thomas, O.	30 00
St. Louis, Abraham	Dumbarton, O.	30 00
St. Louis, William	Winchester Springs, O.	30 00
St. Louis, Henry	Bunston Corner, O.	30 00
St. Louis, James	Inkerman, O.	30 00
St. Louis, Hiel	Swet's Corner, O.	30 00
St. Louis, Lyman	Conseron, O.	30 00
St. Louis, Thomas	Dunham, Q.	30 00
St. Louis, William	Clarenceville, Q.	30 00
St. Louis, Godard, Pierre	St. Ours, Q.	30 00
St. Louis, John	Iroquois, O.	30 00
St. Louis, George Comfort	Ingersoll, O.	30 00
St. Louis, Lucas	Bath, O.	30 00
St. Louis, David	Lansdowne, O.	30 00
St. Louis, John	Brighton, O.	30 00
St. Louis, John	Iroquois, O.	30 00
St. Louis, Joachim	St. Justine, Q.	30 00
St. Louis, Michael	Cardinal, O.	30 00
St. Louis, Charles	Berthier, Q.	30 00
St. Louis, Jacob	Sophiasburg, O.	30 00
St. Louis, Abner	Wallace Bridge, N.S.	30 00
St. Louis, Conrad	Newburgh, O.	30 00
St. Louis, Denis, Joseph	St. Clet, Q.	30 00
St. Louis, Aublay, Pierre	St. Hilarion, Q.	30 00
St. Louis, Paul, Pierre	St. Maurice, Q.	30 00
St. Louis, Panier, François	Ile Bizard, Q.	30 00
St. Louis, Pottle, J. B.	Wolf Island, O.	30 00
St. Louis, Paul, Pierre O.	St. Roch, Q.	30 00

Names and Places of Residence of all Militiamen of 1812 who have received their Pensions, &c.—*Concluded.*

Name.	Residence.	Amount.
Tillotson, John .....	Mountain View, Q. ....	\$ cts.
Tessier, François .....	Ste. Anne de La Pêrade, Q. ....	30 00
Tessier, Lambert .....	Valleyfield, Q. ....	30 00
Turgeon Louis .....	St. Roch, Q. ....	30 00
Trasler, Joseph .....	Foxboro', O. ....	30 00
Tessier dit Lavigne, Jacques .....	St. Etienne, Q. ....	30 00
Turgeon, Guillaume .....	St. Raymond, Q. ....	30 00
Tompkins, Nehemiah .....	River Bank, N.B. ....	30 00
Terrier, Joseph .....	Rivière Bois-Claire, Q. ....	30 00
Turner, William B. ....	Carlisle, N.B. ....	30 00
Tondu, Antoine .....	Beauharnois, Q. ....	30 00
Thompson, Benjamin .....	Niagara falls, O. ....	30 00
Theoret, Fustache .....	Ste Dorothee, Q. ....	30 00
Tassé, Charles .....	St. Augustin, Q. ....	30 00
Tutler, John .....	Branford, O. ....	30 00
Ulman, Bernard .....	Niagara, O. ....	30 00
Vienneau, Athanase .....	Tracadie, N.B. ....	30 00
Vaughan, John .....	Easton Corners, O. ....	30 00
Vigneux, Louis .....	Sandwich, West, O. ....	30 00
Vilandrè, Vital .....	St. Cuthbert, Q. ....	30 00
Veley, Aaron H. ....	Olden, O. ....	30 00
Vaughan, Jacob .....	Wellandport, O. ....	30 00
Vandrick, Antoine .....	Greenfield, O. ....	30 00
Vilicotte, Augustin .....	St. Jérôme, Q. ....	30 00
Varrain, François .....	Ste Martine, Q. ....	30 00
Viger, J. B. ....	Longueuil, Q. ....	30 00
Vincelette, Joseph .....	St. Jean, Q. ....	30 00
Vanluvan, Henry .....	Battersea, O. ....	30 00
Vancamp Jesse .....	Bowmanville, O. ....	30 00
Voisard, François .....	Lou sville, Q. ....	30 00
Verdon, Basile .....	St. Augustin, Q. ....	30 00
Vendal, Leonard .....	St. Simon, Q. ....	30 00
Venne, Pierre J. ....	Oiga, U.S.A. ....	30 00
Wilson, Benjamin G. ....	Fingal, O. ....	30 00
Wood, William .....	Moulinette, O. ....	30 00
Willcox, John .....	Hartford, O. ....	30 00
Woldroff, John .....	Moulinette, O. ....	30 00
Watso, Louis .....	Lake George, U.S.A. ....	30 00
Walker, Hudson .....	Dresden, O. ....	30 00
Wood, Thomas Smith .....	Madoc, O. ....	30 00
Young, John .....	London, O. ....	30 00
Young, William .....	Marysville, O. ....	30 00
Yerex, William .....	Picton, O. ....	30 00
Yocum, Peter .....	Thorold, O. ....	30 00
Yerex, Isaac .....	Port Perry, Q. ....	30 00



## RETURN

(IN PART)

(81c)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1885 ;—For a Return showing :—

- 1st. Number and names of the Students having passed or graduated from the Royal Military College, Kingston, in each year to date.
- 2nd. Total number of Marks received by each, together with the total number possible to be obtained in each year respectively, and the percentage of such total obtained by each Pupil.
- 3rd. Number and names of those Cadets who, after passing through said College, are now employed in the service of the Dominion, together with Statement of the position occupied by each.
- 4th. Number and names of Cadets who have been offered employment in the service of the Dominion and have declined the offer, together with Statement of the position offered and declined by each respectively.

By Command,

J. A. CHAPLEAU,

Department of Secretary of State,

*Secretary of State.*

Ottawa, 13th March, 1885.

## DEPARTMENT OF MILITIA AND DEFENCE,

OTTAWA, 13th March, 1885.

SIR.—As requested by an Order from the House of Commons, dated 2nd instant, I am directed by the Minister of Militia and Defence to transmit to you herewith a Return showing:—

1st. Number and names of the Students having passed or graduated from the Royal Military College, Kingston, in each year to date.

2nd. Total number of Marks received by each, together with the total number possible to be obtained in each year respectively, and the percentage of such total obtained by each Pupil.

3rd. Number and names of those Cadets, who, after passing through said College, are now employed in the service of the Dominion, together with a Statement of the positions occupied by each.

The information required by 3rd paragraph is furnished so far as can be ascertained. Eighteen graduates appear to be the full number now employed under the Dominion Government.

Paragraph 4 of the above mentioned Order of the House, asks for "Number and names of Cadets who have been offered employment in the service of the Dominion and have declined the offer, together with Statement of the position offered and declined by each respectively." Such information is not in the possession of this Department.

I have the honor to be, Sir, your obedient servant,

EUG. PANET,

*Deputy Minister of Militia and Defence.*

Under Secretary of State, Ottawa.

## ROYAL MILITARY COLLEGE.

## RETURN of Graduates Employed in the Service of the Dominion.

Names.	Date of Graduating.	Positions Occupied.
Wurtele, A. G. G.....	June, 1880.....	Assistant Instructor R. M. College Staff.
Freer, H. C.....	do .....	Adjutant Infantry School, St. Johns, Q.
Wise, H. E.....	do .....	A. D. C. to Major General Middleton.
Rivers, V. B.....	do .....	Lieutenant Regiment Canadian Artillery.
Perry, A. B.....	do .....	Inspector N. W. M. Police.
Cochrane, J. B.....	do .....	Assistant Instructor R. M. College Staff.
Hubbell, E. W.....	June, 1881.....	Dominion Land Branch, Department of Interior, Ottawa.
Sears, J. W.....	do .....	Adjutant Infantry School, Toronto.
Anderson, F. C.....	June, 1882.....	Drafting in Department of Railways and Canals, Ottawa.
Wood, Z. T.....	do .....	H. M. Customs, Winnipeg. Man
Benson, T.....	June, 1883 .....	Lieutenant Regiment Canadian Artillery.
Stewart, W. J.....	do .....	Dominion Hydrographical Survey Office, Ottawa.
Evans, A. T. K.....	do .....	Department of Railways and Canals, Ottawa.
Lambe, L. M.....	do .....	Artist, Geological Survey Office, Ottawa.
White, J.....	do .....	Geological Survey Office, Ottawa.
Sanders, E. G.....	June, 1884.....	Sub-Inspector N. W. M. Police.
White, F.....	do .....	Engineer Branch, Militia Department, Ottawa.
Drayner, F.....	do .....	Sub-Inspector N. W. M. Police.

W. POWELL, Col.,  
*Adjutant-General Militia.*

ADJUTANT-GENERAL'S OFFICE,  
OTTAWA, 12th March, 1885.



## ROYAL MILITARY COLLEGE.

RETURN of Graduates, showing the maximum Marks available, the total Marks obtained, and the percentage of such Marks.

No.	Names.	Maximum Marks Available.					Total Marks Obtained.					Percentage.	Date of Graduating.
1	Wurtele, A .....	5	3	0	7	5	2	8	0	7	7	53	June, 1880.
2	Freer, H .....	5	3	1	5	0	2	6	8	9	6	51	
3	Wise, H .....	5	3	1	5	0	3	0	3	5	3	57	
4	Davis, W .....	5	3	1	5	0	2	9	5	4	2	56	
5	Davis, F .....	5	3	1	5	0	1	7	5	1	0	33	
6	DesBrisay, C .....	5	3	1	5	0	2	9	3	5	6	55	
7	Rivers, V .....	5	3	1	5	0	2	4	2	7	4	46	
8	Spelman, J .....	5	3	1	5	0	3	5	5	3	0	67	
9	Fairbank, C .....	5	3	1	5	0	2	9	5	6	2	56	
10	Perry, A .....	5	3	1	5	0	4	2	2	8	5	80	
11	Cochrane, J .....	5	3	1	5	0	2	7	2	5	7	51	
12	Dixon, F .....	5	2	9	0	0	2	0	0	2	2	38	
13	Keefer, H .....	5	3	1	5	0	2	5	7	1	0	48	
14	McPherson, D .....	5	3	1	5	0	3	9	7	8	9	74	
15	Gibson, J .....	5	3	7	8	5	2	8	3	8	1	53	Dec'r, 1880.
16	Laurie, R .....	5	4	0	0	9	3	6	7	9	9	68	
17	Doucet, A .....	5	4	0	3	6	2	3	6	2	6	44	
18	Ross, A .....	5	4	0	3	6	3	1	2	7	7	58	
19	VanStraubenzee, A .....	5	4	0	3	6	3	2	3	7	8	60	
20	Clark, G .....	5	3	9	4	2	2	5	2	3	4	47	
21	Dunscomb, W .....	5	2	4	2	5	3	0	6	6	0	58	June, 1881.
22	Coryell, J .....	5	2	4	5	0	3	6	1	4	5	69	
23	Campbell, H .....	5	2	5	0	6	3	9	5	4	4	75	
24	Shaw, G .....	5	2	4	8	1	2	5	4	2	0	48	
25	Greig, W .....	5	2	2	8	8	2	1	7	7	5	42	
26	Ford, E .....	5	2	2	8	8	2	6	2	1	3	50	
27	Daniel, A .....	5	2	5	0	6	2	9	5	8	5	56	
28	Hubbell, E .....	5	2	4	8	1	1	7	0	5	6	33	
29	Drury, E .....	5	2	4	1	9	1	6	6	3	0	32	
30	Mackay, H .....	5	2	4	9	5	4	0	9	3	7	78	
31	Hogan, H .....	5	2	4	7	6	2	7	9	3	4	53	
32	Cartwright, R .....	5	2	4	1	9	2	2	0	6	3	42	
33	Oates, B .....	5	2	4	1	9	2	7	4	2	5	52	
34	Sears, J .....	5	2	4	1	9	2	6	2	6	1	50	
35	McElhinney, W .....	5	2	4	1	3	2	8	7	8	9	55	
36	Taylor, E .....	6	8	3	0	0	3	8	2	0	2	56	June, 1882.
37	Hodgins, A .....	6	7	5	2	5	3	0	4	5	5	45	
38	Wurtele, E .....	6	6	1	0	0	2	7	3	4	2	41	
39	Kirkpatrick, A .....	6	8	1	0	0	3	5	0	9	9	52	
40	Duff, G .....	6	7	9	2	5	3	8	1	9	9	56	
41	Stairs, W .....	6	7	5	2	5	3	3	0	4	2	49	
42	Clarke, H .....	6	6	1	0	0	2	0	8	4	3	32	
43	Anderson, F .....	6	7	7	0	0	2	3	0	2	2	34	
44	Greenwood, H .....	6	7	7	0	0	3	3	9	2	1	50	
45	Duffus, E .....	6	7	9	2	5	4	5	2	2	1	67	
46	Latimer, F .....	6	7	3	5	0	5	0	4	8	1	75	
47	Skinner, F .....	6	8	1	0	0	4	8	3	7	2	71	
48	Robinson, W .....	6	7	3	0	0	5	0	9	8	3	76	
49	Hooper, G .....	6	7	1	0	0	3	0	8	2	2	46	
50	Ogilvie, G .....	6	7	1	0	0	2	7	7	1	2	41	
51	Tomlinson, A .....	6	6	8	0	0	3	0	2	6	1	45	
52	Wood, Z .....	6	7	7	0	0	3	6	0	7	5	53	
53	Wetmore, A .....	6	7	5	5	0	3	3	3	8	2	49	
54	Laidlaw, G .....	6	7	1	2	5	1	7	8	6	9	27	

## ROYAL MILITARY COLLEGE.

RETURN of Graduates, showing the maximum Marks available, &c.-- *Concluded.*

No.	Names.	Maximum Marks Available.					Total Marks Obtained.					Percentage.	Date of Graduating.
55	Joly, A.....	6	7	1	0	0	2	8	6	9	9	43	} June, 1883.
56	Benson, T.....	6	6	2	0	0	2	3	1	2	2	35	
57	Campbell, D.....	6	6	2	0	0	3	4	6	3	2	52	
58	Kirby, F.....	6	7	4	0	0	4	1	0	9	9	61	
59	Evans, A.....	6	6	2	0	0	2	1	3	1	1	32	
60	Nanton, H.....	6	7	1	0	0	3	5	0	0	4	52	
61	Lang, J.....	6	8	4	0	0	5	3	5	0	5	78	
62	Carruthers, W.....	6	6	9	0	0	3	3	7	1	1	60	
63	Strange, H.....	6	6	9	0	0	3	2	5	5	1	49	
64	Neyland, M.....	6	6	5	0	0	2	8	9	5	7	44	
65	Stewart, W.....	6	8	2	0	0	5	4	6	5	6	80	
66	Leonard, R.....	6	7	8	0	0	5	3	2	7	1	79	
67	Gray, P.....	6	7	1	0	0	3	9	7	0	1	59	
68	Twynning, P.....	6	6	2	0	0	3	4	4	3	7	52	
69	Larube, L.....	6	7	1	0	0	3	6	3	9	4	54	
70	Woodman, J.....	6	6	9	0	0	3	0	4	5	9	48	
71	Casgrain, P.....	6	7	4	0	0	4	3	8	5	3	65	
72	Almon, M.....	6	7	1	8	0	3	7	8	2	7	56	
73	White, J.....	6	6	9	0	0	3	6	4	1	8	54	
74	Baker, J.....	6	6	5	0	0	3	1	2	3	0	47	
75	Chalmers, T.....	6	6	5	0	0	2	9	6	8	6	45	
76	Van Straubenzee, B.....	6	7	8	0	0	3	8	9	8	3	57	
77	Weller, J.....	6	7	8	0	0	4	6	7	8	7	69	
78	VonIffland, W.....	6	6	0	0	0	4	7	5	6	3	72	} June, 1884
79	VanBuskirk, W.....	6	3	8	0	0	3	5	4	3	9	56	
80	Crawford, F.....	6	5	3	0	0	3	6	8	2	4	56	
81	Carey, H.....	6	5	3	0	0	5	0	7	5	1	78	
82	Hearn, J.....	6	5	3	0	0	3	8	6	4	7	59	
83	Cartwright, E.....	6	4	7	0	0	2	8	4	6	2	44	
84	Smith, E.....	6	5	3	0	0	2	7	8	7	8	43	
85	Sanders, G.....	6	4	3	0	0	2	7	5	0	2	43	
86	White, F.....	6	4	7	0	0	2	8	0	6	1	43	
87	Cameron, K.....	6	4	7	0	0	2	4	4	7	6	38	
88	Drayner, F.....	6	4	3	0	0	2	4	8	0	0	39	

J. R. OLIVER, Lt.-Colonel R.A..

*For Commandant R. M. College, on leave.*



## CERTIFIED COPY

(81f)

Of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 8th July, 1885.

On a memorandum dated 30th June, 1885, from the Minister of Militia and Defence, submitting for Your Excellency's approval the annexed regulations relating to gratuities and pensions to be granted under the provisions of section 63 of the Consolidated Militia Act of 1883, to officers and men of the active militia who have been or may be killed or wounded on actual service after the 20th day of March, 1885, or who have died since that date, or may die hereafter from illness or injuries contracted in actual service;

The Minister observes that the proposed rates of pensions to officers and soldiers for wounds or injuries received in action, and the regulations under which they are to be issued, are the same as granted by Order of the Governor General in Council, dated 21st August 1866, to officers and soldiers wounded or injured during the invasion of Canada by Fenians in 1866 and following years.

The Minister represents that the rates of pensions and gratuities proposed to be granted to widows, children and relatives of officers and soldiers killed in action, or who have died or may hereafter die from wounds received in action, or from illness or injuries contracted on actual service, are based, as far as practicable, upon Imperial army regulations; but as, in that army, pensions are not granted to the widows and families of deceased soldiers, the Minister considers that a change should be made, for the reason that the conditions of service in Canada bring to the ranks of the active militia a class of the community whose claims are, in his opinion, as deserving of consideration as those of the officers. He has, therefore, adopted, as far as practicable, the rates allowed in the Imperial regular service to the widows and families of deceased officers, and made similar provision for the widows and families of deceased soldiers, based, as in the case of officers, on the respective ranks of those on whose account the pensions and gratuities are to be issued.

The Minister further represents that the distinction made in the Imperial regulations has been followed, in granting a higher rate of pension to those killed in action, or who die from wounds received in action, than to those who die from injuries or illness contracted on actual service. In both cases the rates fixed for lieutenant-colonels, majors and captains closely approximate those adopted in the Imperial army, but are less for lieutenants, owing to the Imperial rate for that rank being in excess of the actual difference in pay. Also, there are two rates of pay for lieutenants in the active militia, the one in the permanent corps being higher than the other, and he therefore recommends, in order to bring the rate of pension in that rank nearer to that in the Imperial army, that the minimum rate of pay for pension on account of deceased lieutenants in all corps of the active militia be counted at \$2 per diem, which is the rate paid to lieutenants on appointment in the permanent corps of the Dominion.

The Committee advise the adoption of the annexed regulations, and they submit the same for Your Excellency's approval.

JOHN J. McGEE, *Clerk Privy Council.*

Hon. the Minister of Militia and Defence.

### GRATUITIES AND PENSIONS.

The following rates of compensation by gratuity and pension will be allowed under the provisions of sect. 68, cap. 11, of 46 Victoria—The Consolidated Militia  
81f—1

Act, 1883—to militiamen wounded or disabled, or who may be hereafter wounded or disabled in actual service, and to the widows and children of those who have been killed in battle or have died from injuries or illness contracted on actual service.

#### WOUNDS AND INJURIES RECEIVED IN ACTION.

1. An officer who shall be certified to have received a wound in action which shall have occasioned the loss of an eye, or a limb, or the use of a limb; or to have received bodily injury equivalent to the loss of a limb, shall, in the first instance, receive a gratuity in money of one year's full pay of the appointment held by him at the time of his wound.

2. From the expiration of one year from the date of the wound or injury, the wounded officer referred to in the preceding paragraph may, subject to the conditions of paragraphs 3 to 5, be granted a pension according to the following scale:—

Rank or relative rank of officer.	Annual pension.
Lieutenant-Colonel.....	\$1,200
Major.....	800
Captain.....	400
Lieutenant.....	280

3. No claim to a gratuity or pension shall be entertained unless the officer shall apply for the same within five years after being wounded.

4. A pension shall not be granted for the loss of an eye, consequent upon a wound received in action, unless loss of vision shall have occurred within five years after the wound, and shall be solely attributable to such wound.

5. A pension shall be granted according to militia rank, or in the case of a departmental officer, relative rank, held by the officer at the time of being wounded.

#### SOLDIERS' PENSIONS.

6. Pensions may be granted to militiamen discharged as unfit for further service from wounds or injuries received in action.

Rank.....	First degree.	Second degree.	Third degree.	Fourth degree.
	Men losing two limbs or both eyes from wounds, or being so severely wounded as to be totally incapable of earning a livelihood, and to require the assistance and care of some other person.	Men rendered incapable of earning a livelihood, but not requiring the care of another person.	Men able to contribute in a small degree towards a livelihood.	Men able to contribute materially towards a livelihood, although unfit for the ordinary duties of the service.

	From	To	From	To	From	To	From	To
Sergeant.....	cts. 75	\$ cts. 1.10	cts. 60	cts. 90	cts. 45	cts. 60	cts. 30	cts. 45
Corporal.....	60	0 90	45	60	30	45	23	30
Private.....	45	0 60	30	55	23	30	15	20



PENSIONS TO WIDOWS AND CHILDREN OF OFFICERS AND SOLDIERS IF IN REDUCED OR  
NEEDY CIRCUMSTANCES.

*Rates of Pension.*

7. If the deceased officer or soldier has been killed in action, or has died from wounds received in action, within twelve months of having been wounded :—

- (a) To the widow, a pension annually, equal to one-half the daily pay of the officer or soldier during twelve months, and in addition, for the first year, a gratuity equal to twelve months' pay.
- (b) To each child, a compassionate allowance annually, at the rate of one-tenth of the pay of the officer or soldier, and in addition, for the first year, a gratuity equal to four months' pay.

If the deceased officer or soldier died from illness which can be directly traced to fatigue, privation or exposure incident to active operations in the field, within six months after his having been finally incapacitated for duty, or if the deceased officer or soldier shall have lost his life in consequence of wounds received in the execution of military duty otherwise than in action :

- (a) To the widow, a pension annually, equal to three-eighths of the daily pay of the officer or soldier during twelve months.
- (b) To each child, a compassionate allowance annually, at the rate of one-thirteenth of the pay of the officer or soldier.

8. A pension to the widow or other relative of a deceased officer or soldier shall only be granted as a reward for good, faithful and gallant service rendered, and shall not be claimed as a right. It shall not be conferred if the applicant be left in wealthy circumstances, or is already in possession of any pension, provision or allowance from the public.

9. A widow's pension shall, as a rule, commence the day following that of her husband's death, and shall be discontinued should she subsequently prove unworthy of it, or attain to wealthy circumstances.

10. The pension of a widow who re-marries shall be suspended from the date of her re-marriage; but in the event of her again becoming a widow, her pension may be restored, upon proof that she is not in wealthy circumstances, and is otherwise deserving.

*Children.*

11. Compassionate allowances as shown in paragraph 7, may, subject to the conditions which apply to widows' pensions, be granted to the children of deceased officers and soldiers. They shall not be granted to sons over the age of eighteen, nor to daughters over the age of twenty-one, except in very special cases, in which it shall be shown that the sons or daughters became afflicted during the officer's or soldier's life with some mental or bodily infirmity, rendering them dependent upon him, and permanently incapable of making adequate exertion for their support; and that such incapacity dates from a period before the children reached the limit of age, as above laid down, and that they are in distressed circumstances.

12. The allowances granted under paragraph 11 to the sons of officers and soldiers may be continued until they respectively attain the age of eighteen, or are otherwise previously provided for; and those to the daughters may be continued until they respectively marry or attain the age of twenty-one, whichever shall first happen, and no longer; except in very special cases, in which it shall be shown that such children are afflicted with any mental or bodily infirmity, rendering them incapable of making adequate exertion for their own support, and that they are in distressed circumstances.

13. In the case of an officer or soldier killed in action, or dying from wounds received in action within twelve months after such wounds shall have been received, and not leaving a widow, but a daughter or daughters only, an annual allowance, equal to half the rate of widows' pension may, under special circumstances, to be determined by the Minister of Militia and Defence, be granted, instead of the com-

passionate allowances referred to in paragraph 11, to such daughter or to such daughters collectively. Such allowance may be continued until the daughter, or the last survivor of them, in case there be more than one, may become disqualified by marriage or otherwise.

14. A compassionate allowance shall be paid from the date of the officer's or soldier's death to the 30th June next ensuing; and subsequent payments shall be made yearly in advance, from the 1st July in each year.

*Mother.*

15. The mother of an officer or soldier killed in action, or dying of wound received in action within twelve months after such wounds shall have been received without leaving either widow or legitimate child, such mother being herself a widow and in distressed circumstances, and having been mainly dependent upon the deceased officer or soldier for support, may be granted an annual allowance, according to the rank of the officer or soldier, and at half the rate of widows' pension; but if she shall be in receipt of a pension as an officer's or soldier's widow, or shall have any other provision of any kind from the public, no allowance shall be made to her on account of her son, unless she relinquishes such pension or provision. In the event of her allowance ceasing in consequence of re-marriage or death, it shall not be transferable to her daughters.

*Sisters.*

16. The sister or sisters collectively of an officer or soldier killed in action, or dying of wounds received in action within twelve months after such wounds shall have been received, without leaving widow, legitimate child or mother, and provided she or they be an orphan or orphans, without surviving brother, and mainly dependent for support upon the officer or soldier deceased, may, under special circumstances, to be determined by the Minister of Militia and Defence, be granted an allowance equal to half the rate of widows' pension.

17. In instances where the regulations do not meet the circumstances of individual cases, they may be specially considered by His Excellency the Governor General in Council.



# RETURN

(83)

TO AN ADDRESS of the HOUSE OF COMMONS, dated the 6th March, 1885;—

For copies of all Orders in Council, Memorials and Representations on the subject of the Bounty on Manufactures of Iron, not already brought down, together with all letters, accounts and vouchers in respect of Claims made for such Bounty; and Statement in detail of all sums paid or allowed in respect thereof.

By command,

J. A. CHAPLEAU,

Department of Secretary of State,  
Ottawa, 5th March, 1885.

*Secretary of State.*

STATEMENT in Detail of all sums paid or allowed as Bounty on Iron manufactured since date of last Return up to date of present Order.

Date of Payment.	To whom Paid.	Quantity.		Amount Paid.
		Tons.	Pounds.	
1884.				\$ cts.
Mar. 26...	Hall Bros. & Co.....	242	1,790	364 34
April 14...	John McDougall & Co.....	993	1,440	1,490 62
May 19...	Hall Bros. & Co.....	254	1,500	382 12
June 9...	do .....	129	640	193 98
do 11...	Liquidators Steel Co. of Canada.....	8,507	1,790	12,762 62
July 7...	Hall Bros. & Co.....	120	1,850	181 38
do 7...	John McDougall & Co.....	1,209	800	1,813 56
do 9...	Liquidators Steel Co. of Canada.....	2,117	1,852	3,176 88
Aug. 13...	Hall Bros. & Co.....	123	1,545	185 65
Sept. 12...	do .....	118	1,625	178 22
Oct. 12...	Liquidators Steel Co. of Canada.....	3,098	848	4,647 63
Oct. 12...	John McDougall & Co.....	994	1,000	1,491 75
do 15...	Hall Bros. & Co.....	115	230	172 67
do 21...	Liquidators Steel Co. of Canada.....	1,764	1,008	2,646 76
Nov. 21...	do do .....	1,738	1,824	2,608 37
Dec. 6...	Hall Bros. & Co.....	83	895	125 17
1885.				
Jan. 10...	John McDougall & Co.....	1,004	160	1,506 12
do 10...	Liquidators Steel Co. of Canada.....	1,869	560	2,803 92
do 13...	do do .....	1,744	1,920	2,617 44
Feb. 5...	do do .....	1,727	872	2,591 15
				41,940 35

W. G. PARMELEE,  
*Assistant Commissioner.*

CUSTOMS DEPARTMENT,  
OTTAWA, 2nd March, 1885.

*Regulations governing the payment of a Bounty on Pig Iron, manufactured in Canada, from Canadian Ore; under authority of Act 46 Vict., Chap. 14.*

Subject to the following regulations and restrictions, there may be paid by the Hon. the Minister of Customs, out of the Consolidated Revenue Fund, a bounty equal per ton to the amount named in said Act, to the manufacturers of pig iron manufactured subsequent to the 1st of July, 1883, in Canada, from Canadian ore.

The manufacturers of such pig iron shall, in order to be entitled to receive such bounty, furnish to the Hon. the Minister of Customs evidence, under oath, in form as below, of the manufacture of such pig iron.

The claim for bounty shall be made and fully substantiated within three months after the completion of the manufacture of the pig iron on which such bounty is claimed.

The oath required shall be made by the proprietor, or one of the proprietors, of the smelting works at which such pig iron has been manufactured, or in case such smelting works are owned by an incorporated company, then by the manager of such company.

Claim No. 2419.

CLAIM FOR BOUNTY ON PIG IRON.

I, George Benson Hall, of Quebec, merchant, do solemnly and truly swear that I am a member of the firm of Hall Bros. & Co., the lessees of the smelting works situate at Radnor Forges, in the Province of Quebec, and known as Radnor Forges, and that within my own personal knowledge there has been manufactured thereat wholly from Canada ore (of a quality known as bog ore) since the 1st day of January, 1884, and prior to the 1st day of March, 1884, 242 tons, 1,790 lbs. net of pig iron, of a quality known as charcoal iron, on which a bounty of \$1.50 per ton, amounting to the sum of \$364.34, is hereby claimed on behalf of the said manufacturers, and that no part of the said 242 tons, 1,790 lbs. net of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Quebec this 20th day of }  
March, 1884.

G. B. HALL.

M. MILLER, J. P.

Received from the Minister of Customs the sum of \$364.34, in full payment of claim as above.

HALL BROS. & CO.,  
Per W. S. DUFFETT.

OTTAWA, 28th March, 1884.

MONTREAL, 12th April, 1884.

DEAR SIR,—We have to trouble again with the quarterly report of our make of pig iron, amounting to 993 tons, 1,440 lbs. Would you kindly put it through for us as before, and oblige,

Yours truly,

JOHN McDougall & CO.

W. G. PARMELEE, Esq., Accountant, Customs Department, Ottawa.

Claim No. 2491.

CLAIM FOR BOUNTY ON PIG IRON.

I, Robert Cowan, of Montreal, do solemnly and truly swear that I am a member of the firm of John McDougall & Co., proprietors of the smelting works situate at Drummondville, in the Province of Quebec, and known as the Grantham Iron Works



and that within my own personal knowledge there has been manufactured thereat wholly from Canada ore (of a quality known as bog ore) since the 1st day of January, 1884, and prior to the 1st day of April, 1884, 993 tons, 1,440 lbs. net of pig iron, of a quality known as charcoal pig iron, on which a bounty of \$1.50 per ton, amounting to the sum of \$1,490.62, is hereby claimed on behalf of the said manufacturers, and that no part of the said 993 tons, 1,440 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Montreal this 12th day of }  
April, 1884.

R. COWANS.

M. J. RENNEN, *J.P.*

Received from the Minister of Customs the sum of \$1,490.58, in full payment of claim as above.

JOHN McDUGALL &amp; CO.

MONTREAL, 16th April, 1884.

Claim No. 2676.

## CLAIM FOR BOUNTY ON PIG IRON.

I, George Benson Hall, of Quebec, do solemnly and truly swear that I am a member of the firm of Hall Bros. & Co., lessees of the smelting works situate at Radnor Forges, in the Province of Quebec, and known as Radnor Forges, and that within my own personal knowledge there has been manufactured thereat, wholly from Canada ore (of a quality known as bog ore) since the 29th day of February, 1884, and prior to the 1st day of May, 1884, 254 $\frac{3}{4}$  net tons of pig iron, of a quality known as car wheel pig iron, on which a bounty of \$1.50 per ton, amounting to the sum of \$382.12 $\frac{1}{2}$  is hereby claimed on behalf of the said manufacturers, and that no part of said 254 $\frac{3}{4}$  tons of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Quebec this 17th day of }  
May, 1884.

G. B. HALL.

HERBERT M. PRICE, *J. P.*

Received from the Minister of Customs the sum of \$382.12, in full payment of claim as above.

HALL BROS. &amp; CO.

Per W. S. DUFFETT.

OTTAWA, 19th May, 1884.

Claim No 2777.

## CLAIM FOR BOUNTY ON PIG IRON.

I, George Benson Hall, of Quebec, do solemnly and truly swear that I a member of the firm of Hall Bros. & Co., lessees of the smelting works situate at Radnor Forges, in the Province of Quebec, and known as the Radnor Forges, and that within my own personal knowledge there has been manufactured thereat, wholly from Canada ore (of a quality known as bog ore) since the 13th day of April, 1884, and prior to the 1st day of June, 1884, 129 tons 640 lbs. net of pig iron, of a quality known as car wheel pig iron, on which a bounty of \$1.50 per ton, amounting to the sum of \$193.98, is hereby claimed on behalf of the said manufacturers, and that no part of

the said 129 tons 640 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Quebec this 6th day of June, }  
1884.

G. B. HALL.

HERBERT M. PRICE, J.P.

Received from the Minister of Customs the sum of \$193.98, in full payment of claim as above.

HALL BROS. &amp; CO.

Per W. S. DUFFETT.

OTTAWA, 9th June, 1884.

#### MEMORANDUM of Londonderry Iron Works—Bounty Claims.

No. 2134—September 22 to December 31, 1883.....	\$14,415 97
2340—January 1 to February 23, 1884.....	7,617 12
2416—February 24 to March 15.....	2,790 90
2623—March 16 to May 1.....	6,022 46
January 1 to June 1.....	3,949 26
	<hr/>
	\$34,795 71

Of this amount, the Department of Railways requested, under date of 19th March, that there should be reserved to meet claims against the company, the sum of.....

\$22,033 09

Leaving balance.....

\$12,762 62

W. G. P.

#### RAILWAYS AND CANALS.

By departmental letter, dated 19th March last, the Customs Department were requested to retain, out of the sums due and to become due to the Londonderry Iron Company of Nova Scotia, for bounty on their manufactures, the sum of \$22,033.09. It is still claimed that this sum be retained on account of the company's indebtedness to the Intercolonial Railway.

COLLINGWOOD SCHREIBER.

OTTAWA, 7th June, 1884.

MY DEAR POPE,—I enclose you a letter from the liquidator of the Londonderry Steel Works. You will remember that we were ordered to withhold payment of their claims until your Department was paid. Have you been paid, and what answer shall I make to the request of the liquidators?

M. BOWELL.

MONTREAL, 6th June, 1884.

SIR,—I have the honor to enclose a notarial copy of the order of the Supreme Court of Nova Scotia, appointing William Duffus, of Halifax, George Jamme, of Londonderry, and myself, liquidators of the Steel Company of Canada (Limited).

I am advised by Mr. Jamme (who is general manager of the works) that claims for bounty on pig iron, duly attested, have been sent your Department, as follows, viz:



Sent 8th January, 1884. Claim to 31st December, 1883	\$14,415 97
Sent 1st March do do 1st January, 1884;	
December; 23rd February.....	7,617 12
Sent 21st March, 1884. Claim to 24th February; De-	
cember; 15th March .....	2,790 90
Sent 6th May, 1884. Claim to 16th March; Decem-	
ber; 30th April.....	6,022 46
Sent 2nd June, 1884. Claim to 1st May; December;	
31st May.....	3,949 26
Total .....	\$34,795 71

The Intercolonial Railway owe the liquidators .....	\$35,171 45
And the Prince Edward Island Railway owes the estate	
of the company.....	1,475 01

Copies of account herewith—making in all ..... \$71,442 17

On the other hand, the Intercolonial Railway has a claim against the Steel Company, contracted prior to the liquidation, which the Government claim should be deducted from the above. This the liquidators dispute, and pending an arrangement the Honorable the Minister of Railways has agreed that any excess over..... \$50,000 00

Shall be paid. The excess, as above, is..... \$21,442 17

And as the liquidators are in great straits for money to pay wages and other expenses, I must respectfully ask payment of the same at the earliest possible moment. Cheque may be drawn in favor of all three liquidators, or of any two of them, or of Wm. Duffus alone, as may seem to you most proper.

I trust you will excuse my repeating that the most urgent need exists for this money—indeed it is now a question whether or not we can keep the works going during the day or two which must elapse before it can (with the utmost despatch) be made available to us. If you will kindly telegraph me when cheque is mailed, stating amount, I may be able to gain two or three days, by getting the Bank of Montreal to put money at our disposal in Halifax, by wire, in anticipation of the cheque's arrival. If the matter would be in any way expedited by my visiting Ottawa, I am ready to come at a moment's notice.

Your most obedient servant,

A. T. PATERSON, *Liquidator*.

For self and Co-Liquidators Steel Company of Canada (Limited).

Hon. the Minister of Customs, Ottawa.

CANADA, } IN THE SUPREME COURT, 1884.  
 PROVINCE OF NOVA SCOTIA, }  
 HALIFAX, N.S. } *The thirty-first day of March, 1884.*

In the matter of an Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations, to wit: Chapter twenty-three of the Statutes of Canada, forty-fifth Victoria, and the Steel Company of Canada (Limited).

On hearing read the rule granted herein on the twenty-ninth day of January, A.D. 1884, fixing the time and place for an application for a winding up order and for the appointment of a liquidator or liquidators herein the affidavits, petitions, notices, exhibit reports, judge's order, resolutions and other papers therein referred to, the affidavits of Arthur Drysdale and the exhibits annexed thereto respectively,

and which said last mentioned affidavits were sworn on the sixteenth day of February last. The affidavit of George Falconer sworn herein on the second day of February last, and the exhibits thereto annexed the rule granted herein on the sixteenth day of February, extending and fixing the said motion for a winding up order herein and the appointment of a liquidator or liquidators until ten o'clock of the twenty-first day February, 1884, and upon hearing read the affidavit of James Moir, sworn herein, and the exhibits and papers thereto annexed and therein referred to; the affidavit of Arthur Drysdale sworn herein on the ; and the affidavit of George Jamme, sworn herein on the twenty-first day of February, and the exhibit annexed, and all other affidavits, exhibits and papers on file herein, and on motion of counsel for Gillespie, Moffat & Co., petitioners herein, and after hearing counsel for the Merchants Bank of Halifax, this matter having stood over for judgment until this day.

It is hereby ordered that the said The Steel Company of Canada (Limited) be wound up under the provisions of chapter twenty-three of the Acts of Canada, passed in the year 1882, entitled: "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations."

And it is further ordered that William Duffus, of Halifax, merchant; Alexander Thomas Paterson, of Montreal, merchant, and George Jamme, of Londonderry, manufacturer, be and they are hereby appointed liquidators of the above-named company, and they shall give security by bond in the penal sum of fifty thousand dollars, each together with at least two sureties in the penal sum of fifty thousand dollars each, to the satisfaction of and to be approved of by a judge of this honorable court, conditioned for the due and faithful performance of their duties as such liquidators.

The said liquidators shall have, in addition to the powers conferred by said statute, the powers specially conferred upon them respectively by this order.

And it is hereby ordered and declared that all the Acts required or authorized by the above Act, or by this order, to be done by said liquidators, or any of them, where one of them is authorized to do, an Act may be done without the previous sanction or interference of this court.

And it is further ordered and declared that any duties necessary to be performed in regard to the sale or delivery of the product of the works of said company, and the collection of money due, accruing, coming or payable from or out of the assets of said company, in the Provinces of Quebec or Ontario, may be performed and done by said Alexander Thomas Paterson solely, or by the whole of the said liquidators, or by any two of them, and any duties necessary or expedient to be performed or done, at or in connection with the management of the works, and the manufacture of goods and the shipment thereof, or otherwise in connection therewith, may be performed by said George Jamme solely, or by the whole of the said liquidators, or by any two of them, and that all matters connected with the account to be kept with a bank in the City of Halifax, and the disbursement of moneys belonging to the estate of the company, which may be realized in the ordinary course of its winding up, may be performed either by the said William Duffus alone or by the whole of the said liquidators, or by any two of them, and that all other matters or things necessary or expedient to be done or performed in connection with the winding up of the said company, including all and every of the matters and things above referred to, may be performed by the said three liquidators jointly, or in case of disagreement, by any two of them.

And it is further ordered that the costs upon and incident to this rule, and to the application herefor, and of the proceedings herein, shall be paid by the liquidators out of the assets of said company, except the costs occasioned by the Merchants Bank of Halifax by their opposition hereto, which costs are hereby ordered to be paid by the Merchants Bank of Halifax to the petitioners, Gillespie, Moffat & Co., and that execution may issue therefor when taxed.

On motion of Mr. Meagher, Q.C., for petitioners.

By the Court, 31st March, 1884.

S. H. HOLMES, *Prothonotary.*



HALIFAX, N.S.

I hereby certify that the foregoing is a true and correct copy of the Rule of the Supreme Court of Nova Scotia, granted on the 31st day of March, A.D., 1884, for the winding up of the Steel Company of Canada (Limited).

Witness my hand and the seal of the Supreme Court of Nova Scotia, at Halifax, hereunto subscribed and set, the 2nd day of April, A.D., 1884.

S. H. HOLMES, *Prothonotary*.

This is the certified copy of the Rule of the Supreme Court of Nova Scotia referred to in the annexed act of deposit of the same of even date herewith, identified by the signature of Alexander Thomas Paterson, one of the appointed liquidators therein referred to and of me the undersigned Notary.

A. T. PATERSON.

JOHN C. GRIFFIN, *N. P.*

MONTREAL, 8th April, 1884.

A true copy of the original minute remaining of record in my office.

JOHN C. GRIFFIN.

On this eighth day of April, in the year of our Lord one thousand eight hundred and eighty-four: Before me, John Carr Griffin, notary public, duly commissioned and sworn in and for the Province of Quebec, in the Dominion of Canada, residing and practising in the City of Montreal, in the said Province,

Personally appeared Alexander Thomas Paterson, of the said City of Montreal, merchant, one of the appointed liquidators of the company hereinafter referred to, who requested of me, the said notary, to receive and deposit in the notariat or office of me the said notary, the prefixed certified copy of the Rule of the Supreme Court of Nova Scotia, granted on the 31st day of March now last past, for the winding up of the Steel Company of Canada (Limited), given and granted by S. H. Holmes, prothonotary of the said court and seal thereof thereto affixed to be and remain as a minute of record in the said notariat or office, and which request being granted the said certified copy is hereby deposited in the said notariat or office as a minute of record and act of the premises is hereby also granted to serve and avail as occasion shall or may require.

Done and passed at the said City of Montreal, in the office of me the said notary, where these presents are to remain of record, under the number forty-four thousand five hundred and four, on the day, month and year first above written, in the afternoon, and signed by the said Alexander Thomas Paterson, with me, the said notary, after being duly read.

A. T. PATERSON.

JOHN C. GRIFFIN, *N. P.*

A true copy of the original minute remaining of record in my office.

JOHN C. GRIFFIN, *N. P.*

LONDONDERRY, 13th May, 1884.

Prince Edward Island Railway

To the Steel Company of Canada (Limited).

1884.

Oct. 31.—To goods furnished as per account rendered.....	\$621 55
Nov. 30           do                           do                           do                           .....	853 46
Total.....	<u>\$1,475 01</u>

LONDONDERRY, 2nd June, 1884.

Dominion Government (for Intercolonial Railway)

To Liquidators of the Steel Company of Canada (Limited).

1883.

Dec. 31.—To goods furnished Intercolonial Railway as per account rendered..... \$10,364 93

1884.

Jan. 31.	do	do	do	.....	11,311 27
Feb. 29.	do	do	do	.....	9,442 91
March 31.	do	do	do	.....	2,898 10
April 30.	do	do	do	.....	458 37
May 3.	do	do	do	.....	256 53
do 12.	do	do	do	as per invoice...	336 43
do 17.	do	do	do	.....	320 00
do 7.	do	do	do	.....	520 00
do 8.	do	do	do	.....	520 00
do 9.	do	do	do	.....	520 00
do 16.	do	do	do	.....	520 00
March 28.	do	do	do	.....	520 00
April 4.	do	do	do	.....	520 00

Total..... \$38,508 50

Cr.

Dec. 31.—By amount of account for car repairs.....	\$ 77 18
March 31. do do do .....	139 93
do 31. do do wheels returned...	1,040 00
April 30. do do do ...	2,080 00
	<u>3,337 11</u>

Total..... \$35,171 41

MONTREAL, 10th June, 1884.

SIR,—I have the honor to acknowledge receipt of your letter of yesterday. On the 28th ultimo the Honorable the Minister of Railways informed me that the amount due by the Government to the liquidators of the Steel Company of Canada for bounty on pig iron, and for goods supplied to the Intercolonial Railway, would be at once paid, less the amount of the railway's claim against the Steel Company's estate, contracted prior to liquidation, in respect to which the Government demand a preference over other creditors, but which is not admitted.

On the 5th instant he telegraphed me: "There have been instructions given that nothing be retained over \$50,000," and on same day Mr. R. G. Lecker, who was then at Ottawa, and kindly communicated with both the Railway Department and with your Department on the subject, wired me: "Balance ready to be paid by Customs Department as soon as liquidators show legal authority."

On the 6th instant I sent you a certified copy of order of court, which I think establishes the legal authority of the liquidators, and I, at the same time, furnished particulars of their claim, showing it to be composed of—

Bounty, as per detailed statement.....	\$34,795 71
Railway supplies do .....	36,646 46
	<u>\$71,442 17</u>
From which, reserving as above.....	50,000 00
	<u>\$21,442 17</u>
The balance immediately payable is.....	



I, at same time, urgently but respectfully explained the great danger that delay in payment would necessitate—a stoppage of the works—and thus deprive a large number of men of employment. Delay has occurred, and my apprehensions are already partially realized, the liquidators having found it necessary to commence to discharge their employees.

I do not see what more I could have done to avoid this disaster, which I very deeply regret.

I have the honor to be, Sir, your obedient servant,

A. T. PATERSON, *Liquidator, Steel Company of Canada (Limited).*

Hon. the Minister of Customs, Ottawa.

P.S.—I telegraphed you to-day as under:—

“Mr. Pope telegraphed me, fifth instant, that orders had been given to pay any excess of indebtedness for bounty and supplies over fifty thousand dollars.”

OTTAWA, 11th June, 1884.

(*By telegraph from Montreal to Honorable M. Bowell.*)

“Minister Railways telegraphs me he has seen you, and that you are arranging to make payment. If you will send cheque to me telegraphing amount and when sent, as suggested in my letter of sixth, it may enable us to avoid delay.

A. T. PATERSON.”

CUSTOMS DEPARTMENT, OTTAWA, 10th June, 1884.

SIR,—I beg to hand you herewith file 2386, and to request that you will inform me, at your earliest possible convenience, whether the evidence is sufficient to show the appointment of the parties named as liquidators of the Steel Company of Canada, and if so, would this Department be justified in making payment of accruing bounty on pig iron to said liquidators or any of them, and further, as to what acquittance should be required for any payments so made.

I am, Sir, yours, &c., &c.

M. BOWELL.

G. W. BURBIDGE, Esq., Deputy Minister of Justice, &c., &c.

P.S.—The liquidators are very pressing, hence an early reply will oblige.

OTTAWA, 11th June, 1884.

SIR,—In reply to your favor of 10th instant I have the honor to say that the evidence is sufficient to show the appointment of Messrs. William Duffus, Alexander Thomas Paterson and George Jamme as liquidators of the Steel Company of Canada. I understand, however, that the order of the Supreme Court of Nova Scotia is under appeal to the Privy Council. But as the liquidators of the company are carrying on its business and are the manufacturers of the iron with respect to which nearly \$10,000 of the amount of \$12,762.62 of the bounty proposed to be paid was earned, I am of opinion that you need not hesitate to pay them the balance of \$12,762.62, applying the payment, as far as possible, to the bounty earned since their appointment.

An acquittance, as in other cases, will I think be sufficient, and under the order an acquittance signed by Mr. Paterson will be sufficient for moneys payable in Quebec and Ontario.

Your obedient servant,

GEO. W. BURBIDGE, *D.M.J.*

MONTREAL, 11th June, 1884.

DEAR SIR,—Referring to my letter of yesterday, you need not trouble sending me a memorandum showing how amount of cheque was arrived at, as the documents in Mr. Ryan's hands to-day furnish the desired information.

Yours truly,

A. T. PATERSON, *Liquidator Steel Company (Limited)*.

W. G. PARMELEE, Esq., Accountant, Customs Department, Ottawa.

MONTREAL, 11th June, 1884.

SIR,—I am obliged for your telegram of to-day, reading as annexed. I presume the Collector referred to is the Collector of Customs, to whom I shall accordingly apply to-morrow.

Will you please send me memorandum, showing how the amount of cheque has been arrived at, and much oblige,

Your obedient servant,

A. T. PATERSON, *Liquidator Steel Company of Canada (Limited)*.

W. G. PARMELEE, Esq., Accountant, Customs Department, Ottawa.

(Copy of Telegram.)

Cheque goes to-day through Collector, Montreal, for twelve thousand seven hundred sixty-two dollars, iron bounty.

OTTAWA, 11th June, 1884.

DEAR SIR,—I am in receipt of yours of the 10th instant, and telegram of to-day date.

A cheque for \$12,762.62 will be sent through Mr. Collector Ryan, that being the difference between the amount of bounty payable to the Steel Company of Canada and the liquidators, and the sum withheld under claim of Railway Department.

Yours truly,

M. BOWELL.

A. T. PATERSON, Esq., Montreal.

CUSTOMS DEPARTMENT, OTTAWA, 11th June, 1884.

SIR,—Enclosed I hand you a cheque for \$12,762.62, in favor of A. T. Paterson as liquidator of the Steel Company of Canada, Londonderry, N.S., in payment of bounty on pig iron manufactured between 24th February and 1st instant, as per claims also enclosed, which please have him receipt as such liquidator, and return them to this office with as little delay as possible.

I am, Sir, yours, &amp;c., &amp;c.,

W. G. PARMALEE, *Accountant*.

M. P. RYAN, Esq., Collector, Montreal.

LONDONDERRY, N. S., 2nd June, 1884.

DEAR SIRS,—Please find enclosed claims for bounty on pig iron from 1st March to 31st inclusive, amounting to (\$3,949.26) three thousand nine hundred and forty-nine dollars and twenty-six cents.

Yours truly,

THE STEEL COMPANY OF CANADA (Limited).

G. JAMME, *General Manager and Liquidator*,  
Per R.

CUSTOMS DEPARTMENT, OTTAWA.



*regulations governing the payment of a Bounty on Pig Iron, manufactured in Canada, from Canadian ore; under authority of Act 46 Vict., chap. 14.*

Subject to the following regulations and restrictions, there may be paid by the Hon. the Minister of Customs, out of the Consolidated Revenue Fund, a bounty equal per ton to the amount named in said Act, to the manufacturers of pig iron manufactured subsequent to the 1st day of July, 1883, in Canada, from Canadian ore.

The manufacturers of such pig iron shall, in order to be entitled to receive such bounty, furnish to the Hon. the Minister of Customs evidence under oath in form as below, of the manufacture of such pig iron.

The claim for bounty shall be made and fully substantiated within three months after the completion of the manufacture of the pig iron on which such bounty is claimed.

The oath required shall be made by the proprietor or one of the proprietors of the smelting works at which such pig iron has been manufactured, or in case such smelting works are owned by an incorporated company, then by the manager of such company.

Claim No. 2788.

### CLAIM FOR BOUNTY ON PIG IRON.

I, George Jamme, of Acadia iron mines, do solemnly and truly swear that I am general manager of the smelting works situate at Acadia iron mines, in the Province of Nova Scotia, and known as The Steel Company of Canada Works, and that within my own personal knowledge there has been manufactured thereat, wholly from Canadian ore (of a quality known as Londonderry hematite ore) since the 30th day of April, 1884, and prior to the 1st day of June, 1884, 2,632 tons 1,680 lbs. net, of pig iron of a quality known as Siemens, on which a bounty of \$1.50 per ton, amounting to the sum of \$3,949.26, is hereby claimed on behalf of the said manufacturers, and that no part of the said 2,632 tons 1,680 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Acadia Mines this 2nd day }  
of June, 1884.

G. JAMME, *General Manager.*

THOMAS M. DUNPHY, *J.P.*

Received from the Minister of Customs the sum of \$3,949.26, in full payment of claim, as above.

A. T. PATERSON, *Liquidator Steel Company of Canada (Limited).*  
MONTREAL, 12th June, 1884.

Claim No. 2416.

### CLAIM FOR BOUNTY ON PIG IRON.

I, George Jamme, of Acadia Iron Mines do solemnly and truly swear that I am general manager of the smelting works situate at Acadia iron mines, in the Province of Nova Scotia, and known as the Steel Company of Canada Works, and that within my own personal knowledge there has been manufactured thereat wholly from Canadian ore (of a quality known as Londonderry hematite ore) since the 24th day of February, 1884, and prior to the 15th day of March, 1884, 1,860 tons, 12 cwt. net of pig iron, of a quality known as Siemens, on which a bounty of \$1.50 per ton, amounting to the sum of \$2,790.90, is hereby claimed on behalf of the said manufacturers, and that no part of the said 1,860 tons, 12 cwt., of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Acadia Mines this 21st day }  
of March, 1884.

THOMAS M. DUNPHY, *J.P.*

G. JAMME, *General Manager.*

Received from the Minister of Customs the sum of \$2,790.90 in full payment claim as above.

A. T. PATERSON, *Liquidator Steel Company of Canada (Limited)*.

MONTREAL, 12th June, 1884.

LONDONDERRY, N. S., 6th May, 1884.

DEAR SIR,—Please find enclosed claim for bounty on pig iron from 16th March and prior to 1st May, 1884, amounting to \$6,022.46.

Yours truly,

THE STEEL COMPANY OF CANADA (Limited).

G. JAMME, *General Manager and Liquidator*.

Minister of Customs, Ottawa.

Claim No. 2623.

### CLAIM FOR BOUNTY ON PIG IRON.

I, George Jamme, of Acadia iron mines, do solemnly and truly swear that I am general manager of the smelting works, situate at Acadia iron mines, in the Province of Nova Scotia, and known as The Steel Company of Canada Works, and that with my own personal knowledge there has been manufactured thereat, wholly from Canada ore (of a quality known as Londonderry hematite ore) since the 16th day of March 1884, and prior to the 1st day of May, 1884, 4,014 tons, 19 cwt., 2 qrs. net of pig iron, of a quality known as Siemens, on which a bounty of \$1.50 per ton amounting to the sum of \$6,022.46 is hereby claimed on behalf of the said manufacturers, and that no part of the said 4,014 tons, 19 cwt., 2 qrs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Acadia Mines this 6th day of }  
May, 1884.

G. JAMME, *General Manager*.

THOMAS M. DUNPHY, J. P.

Received from the Minister of Customs the sum of \$6,022.46 in full payment claim as above.

A. T. PATERSON, *Liquidator Steel Co. of Canada (Limited)*.

MONTREAL, 12th June, 1884.

Claim No. 2233.

### CLAIM FOR BOUNTY ON PIG IRON.

I, George Benson Hall, of Quebec, do solemnly and truly swear that I am member of the firm of Hall Bros. & Co., lessees of the smelting works situate at Radnor Forges, in the Province of Quebec, and known as the Radnor Forges, and that within my own personal knowledge there has been manufactured thereat wholly from Canada ore (of a quality known as bog ore) since the 31st day of March 1884, and prior to the 1st day of July, 1884, 120 tons 1,850 lbs. net, of pig iron, of a quality known as ear wheel pig iron, on which a bounty of \$1.50 per ton, amounting to the sum of \$181.38, is hereby claimed on behalf of the said manufacturers, and that no part of the said 120 tons, 1,850 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Quebec this 3rd day of July, }  
1884.

G. B. HALL.

HERBERT M. PRICE, J. P.



Received from the Minister of Customs \$181.38 in full payment of claim as above.

HALL BROS. & CO.  
Per W. S. DUFFETT.

OTTAWA, 12th July, 1884.

MONTREAL, 2nd July, 1884.

DEAR SIR,—Enclosed please find the report of our quarterly make of pig iron, amounting to 1209.80 net tons. Would you kindly put it through for us as before, and oblige,

Yours truly,

JOHN McDougall & CO.

G. PARMELEE, Esq., Accountant, Customs Department, Ottawa.

Claim No. 2234.

CLAIM FOR BOUNTY ON PIG IRON.

I, Robert Cowans, of Montreal, do solemnly and truly swear that I am a member of the firm of John McDougall & Co., of Montreal, and of the smelting works situate at Drummondville, in the Province of Quebec, and known as the Grantham iron works, and that within my own personal knowledge there has been manufactured thereat, wholly from Canada ore (of a quality known as bog ore) since the 31st day of March, 1884, and prior to the 1st day of July, 1884, 1,209.80 net tons of pig iron, of a quality known as charcoal, on which a bounty of \$1.50 per ton, amounting to the sum of \$1,813.56, is hereby claimed on behalf of the said manufacturers, and that no part of the said 1,209.80 tons of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me  
at Montreal this second day  
of July, 1884.

R. COWANS.

A. J. RENNAN, J.P.

Received from the Minister of Customs the sum of \$1,813.56, in full payment of claim as above.

JOHN McDougall & CO.

13th July, 1884.

LONDONDERRY, N.S., 7th July, 1884.

DEAR SIR,—Please find enclosed claim for bounty on pig iron, from June 1st to 7th, inclusive, amounting to (\$3,176.88) three thousand one hundred and seventy-six dollars and eighty-eight cents.

Yours truly,

THE STEEL COMPANY OF CANADA (LIMITED).

G. JAMME, *Gen. Manager and Liquidator.*

Per G. B.

CUSTOMS DEPARTMENT, OTTAWA.

Claim No. 2951.

CLAIM FOR BOUNTY ON PIG IRON.

I, George Jamme, of Acadia iron mines, do solemnly and truly swear that I am general manager of the smelting works situate at Acadia iron mines, in the Province of Nova Scotia, and known as Steel Company of Canada Works, and that

within my own personal knowledge there has been manufactured thereat, wholly from Canada ore (of a quality known as Londonderry hematite ore) since the 31st day of May, 1884, and prior to the 1st day of July, 1884, 2,117 tons, 1,852 lbs. net, of pig iron, of a quality known as Siemens, on which a bounty of \$1.50 per ton, amounting to the sum of \$3,176.88, is hereby claimed on behalf of the said manufacturers, and that no part of the said 2,117 tons, 1,852 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Acadia Mines this 7th day of }  
July, 1884.

G. JAMME, *General Manager.*

THOMAS M. DUNPHY, J.P.

Received from the Minister of Customs the sum of \$3,176.88, in full payment of claim as above.

A. T. PATERSON, *Liquidator Steel Co. of Canada (Limited).*

MONTREAL, 12th July, 1874.

Claim No.

#### CLAIM FOR BOUNTY ON PIG IRON.

I, George Benson Hall, of Quebec, do solemnly and truly swear that I am a member of the firm of Hall Bros. & Co., the lessees of the smelting works situate at Radnor Forges, in the Province of Quebec, and known as the Radnor Forges, and that within my own personal knowledge there has been manufactured thereat, wholly from Canada ore (of a quality known as bog ore) since the 30th day of June, 1884, and prior to the 1st day of August, 1884, 123 tons, 1,545 lbs. net of pig iron, of a quality known as car wheel pig iron, on which a bounty of \$1.50 per ton, amounting to the sum of \$185.65, is hereby claimed on behalf of the said manufacturers, and that no part of the said 123 tons, 1,545 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Quebec this 8th day of }  
August, 1884.

G. B. HALL.

HERBERT M. PRICE, J.P.

Received from the Minister of Customs the sum of \$185.65, in full payment of claim as above.

HALL BROS. & CO.

Per W. S. DUFFETT.

OTTAWA, 13th August, 1884.

Claim No. 3230.

#### CLAIM FOR BOUNTY ON PIG IRON.

I, George Benson Hall, of Quebec, do solemnly and truly swear that I am a member of the firm of Hall Bros. & Co., the lessees of the smelting works situate at Radnor Forges, in the Province of Quebec, and known as the Radnor Forges, and that within my own personal knowledge there has been manufactured thereat wholly from Canada ore (of a quality known as bog ore) since the 31st day of July, 1884, and prior to the 1st day of September, 1884, 118 tons, 1,625 lbs., net, of pig iron, of a quality known as car wheel pig iron, on which a bounty of \$1.50 per ton, amounting to the sum of \$178.22, is hereby claimed on behalf of the said manufac



ers, and that no part of the said 118 tons, 1,625 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Quebec this 10th day of }  
September, 1884.

G. B. HALL.

HERBERT M. PRICE, J.P.

Received from the Minister of Customs the sum of \$178.22, in full payment of claim as above.

HALL BROS. &amp; Co.

Per W. S. DUFFETT.

2th September, 1884.

LONDONDERRY, N. S., 10th September, 1884.

Please find enclosed herewith claim for bounty on pig iron, from 1st July, 1884, to 31st August, 1884, inclusive, amounting to (\$4,647.63) four thousand six hundred and forty-seven dollars and sixty-three cents.

Yours truly,

THE STEEL COMPANY OF CANADA (Limited).

G. JAMME, *General Manager and Liquidator.*

Per R.

CUSTOMS DEPARTMENT, OTTAWA.

Claim No. 3231.

## CLAIM FOR BOUNTY ON PIG IRON.

I, George Jamme, of Acadia iron mines, do solemnly and truly swear that I am general manager of the smelting works situate at Acadia iron mines, in the Province of Nova Scotia, and known as Steel Company of Canada Works, and that within my own personal knowledge there has been manufactured thereat, wholly from Canadian ore (of a quality known as Londonderry hematite ore) since the 1st day of July, inclusive, 1884, and prior to the 31st day of August, 1884, 3,098 tons, 848 lbs. net, of pig iron, of a quality known as Siemens, on which a bounty of \$1.50 per ton, amounting to the sum of \$4,647.63, is hereby claimed on behalf of the said manufacturers, and that no part of the said 3,098 tons, 848 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn before me }  
at Acadia Mines this 10th day }  
of September, 1884.

G. JAMME, *General Manager.*

THOMAS M. DUNPHY, J. P.

Received from the Minister of Customs the sum of \$4,647.63, in full payment of claim as above.

A. T. PATERSON, *Liquidator Steel Co. of Canada (Limited).*

MONTREAL, 17th September, 1884.

MONTREAL, 4th October, 1884.

DEAR SIR,—Enclosed please find the report of our quarterly make of pig iron, amounting to 994½ net tons. Would you kindly put it through for us as before, and oblige

Yours truly,

JOHN McDOUGALL &amp; Co.

W. G. PARMELEE, Esq., Accountant, Customs Department, Ottawa.

P.S.—Will you please send us a few more forms?

Claim No. 3344.

## CLAIM FOR BOUNTY ON PIG IRON.

I, Robert Cowans, of Montreal, do solemnly and truly swear that I am a member of the firm of John McDougall & Co., proprietors of the smelting works situate at Drummondville, in the Province of Quebec, and known as Grantham Iron Works, and that within my own personal knowledge there has been manufactured thereat wholly from Canada ore (of a quality known as bog ore) since the 30th day of June 1884, and prior to the 1st day of October, 1884, 994½ net tons of pig iron, of a quality known as charcoal pig iron, on which a bounty of \$1.50 per ton, amounting to the sum of \$1,491.75, is hereby claimed on behalf of the said manufacturers, and that no part of the said 994½ tons of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
at Montreal this 4th day of }  
October, 1884.

R. COWANS.

M. MALONE, J. P.

Received from the Minister of Customs the sum of \$1,491.75 in full payment of claim as above.

JOHN McDOUGALL &amp; Co.

MONTREAL, 13th October, 1884.

Claim No. 3408.

## CLAIM FOR BOUNTY ON PIG IRON.

I, George Benson Hall, of Quebec, do solemnly and truly swear that I am a member of the firm of Hall Bros. & Co., lessees of the smelting works situate at Radnor Forges, in the Province of Quebec, and known as the Radnor Forges, and that within my own personal knowledge there has been manufactured thereat, wholly from Canada ore (of a quality known as bog ore), since the 31st day of August, 1884, and prior to the 1st day of October, 1884, 115 tons, 230 lbs. net, of pig iron of a quality known as car wheel pig iron, on which a bounty of \$1.50 per ton, amounting to the sum of \$172.67, is hereby claimed on behalf of the said manufacturers, and that no part of the said 115 tons 230 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me at }  
Quebec this 13th day of October, }  
1884.

G. B. HALL.

HERBERT M. PRICE, J. P.

Received from the Minister of Customs the sum of \$172.67, in full payment of claim as above.

HALL BROS. &amp; Co.

Per W. S. DUFFETT.

OTTAWA, 15th October, 1884.

LONDONDERRY, N.S., 18th October, 1884.

Please find enclosed herewith claim for bounty on pig iron, from 1st to 30th September inclusive, amounting to \$2,646.76.

Yours truly,

THE STEEL COMPANY OF CANADA (Limited).

G. JAMME, *General Manager and Liquidator.*

Per R.

CUSTOMS DEPARTMENT, OTTAWA.



Claim No. 3425.

## CLAIM FOR BOUNTY ON PIG IRON.

I, George Jamme, of Acadia iron mines, do solemnly and truly swear that I am general manager of the smelting works situate at Acadia iron mines, in the Province of Nova Scotia, and known as Steel Company of Canada Works, and that within my own personal knowledge there has been manufactured thereat, wholly from Canada ore (of a quality known as Londonderry hematite ore) since the 1st day of September, 1884, and prior to the 1st day of October, 1884, 1,764 tons, 1,008 lbs. net, of pig iron of a quality known as Siemens, on which a bounty of \$1.50 per ton, amounting to the sum of \$2,646.76 is hereby claimed on behalf of the said manufacturers, and that no part of the said 1,764 tons, 1,008 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
 at Acadia Mines this 18th day }  
 of October, 1884. }

G. JAMME, *General Manager.*

Received from the Minister of Customs the sum of \$2,640.76, in full payment of claim as above.

A. T. PATERSON, *Liquidator Steel Co. of Canada (Limited).*

MONTREAL, 27th October, 1884.

CUSTOMS DEPARTMENT, OTTAWA, 21st November, 1884.

SIR,—I have yours of the 19th instant, covering claim for bounty on pig iron manufactured at your works during the month of October. It would appear from the order of the court appointing liquidators, that though Mr. Paterson is authorized to act alone in Ontario and Quebec, yet in his absence the other two liquidators can only act in his stead jointly. Under these circumstances, I have forwarded a cheque to the Collector at Halifax, wherewith to pay the amount of the claim upon its being receipted by yourself and Mr. Duffus as such liquidators.

I am, Sir, yours obediently,

W. G. PARMELEE, *Accountant.*

GEORGE JAMME, Esq., General Manager Steel Co. of Canada, Londonderry, N.S.

OTTAWA, 21st November, 1884.

SIR,—Herewith I hand you cheque for \$2,608.37, wherewith to pay claim enclosed of the liquidators of the Steel Company of Canada, bounty upon pig iron manufactured by them during the month of October last.

We have heretofore paid these bounties to Mr. A. T. Paterson, of Montreal, who, by the decree of the court, was authorized to receive and acquit the same. He is now stated to be absent in Europe, but I see, on referring to the copy of the order of the court, that in his absence the other two liquidators, namely, Messrs. W. Duffus, of Halifax, and Mr. George Jamme, of Londonderry, are authorized to act in his behalf. You will therefore pay over the money on the joint receipt of these two gentlemen as liquidators of the company. I have written Mr. Jamme, the manager, to this effect.

I am, Sir, yours obediently,

W. G. PARMELEE, *Accountant.*

Hon. W. Ross, Collector of Customs, Halifax, N.S.

LONDONDERRY, N.S., 19th November, 1884.

Please find enclosed herewith claim for bounty on pig iron from 1st to 31st October inclusive, amounting to (\$2,608.37) two thousand six hundred and eight dollars and thirty seven cents. You can either make the cheque payable to William

Duffus, Halifax, the financial liquidator for the company, or send it direct to the works, as Mr. A. T. Paterson has gone to Europe.

Yours truly,

THE STEEL COMPANY OF CANADA (Limited),  
G. JAMME, *General Manager and Liquidator.*

Per R.

CUSTOMS DEPARTMENT, Ottawa.

Claim No. 3614.

### CLAIM FOR BOUNTY ON PIG IRON.

I, George Jamme, of Acadia iron mines, do solemnly and truly swear that I am general manager of the smelting works situate at Acadia iron mines, in the Province of Nova Scotia, and known as the Steel Company of Canada Works, and that within my own personal knowledge there has been manufactured thereat, wholly from Canada ore (of a quality known as Londonderry hematite ore), since the 1st day of October, 1884, and prior to the 1st day of November, 1884, 1,738 tons, 1,824 lbs. net, of pig iron, of a quality known as Siemens, on which a bounty of \$1.50 per ton, amounting to the sum of \$2,608.37, is hereby claimed on behalf of the said manufacturers, and that no part of the said 1,738 tons, 1,824 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me at  
Acadia Mines this 19th day of  
November, 1884.

G. JAMME, *General Manager.*

THOMAS DUNPHY, J.P.

Received from the Minister of Customs the sum of \$2,608.37 in full payment of claim as above.

G. JAMME, *General Manager and Liquidator Steel Co. of Canada (Limited).*

WM. DUFFUS, *Liquidator.*

28th November, 1884.

Claim No. 3680.

### CLAIM FOR BOUNTY ON PIG IRON.

I, George Benson Hall, of Quebec, do solemnly and truly swear that I am a partner in the firm of Hall Bros. & Co., the lessees of the smelting works situate at Radnor Forges, in the Province of Quebec, and known as the Radnor Forges, and that within my own personal knowledge there has been manufactured thereat, wholly from Canada ore (of a quality known as bog ore) since the 13th day of September, 1884, and prior to the 1st day of November, 1884, 83 tons, 895 lbs. net of pig iron, of a quality known as ear wheel pig iron, on which a bounty of \$1.50 per ton, amounting to the sum of \$125.17, is hereby claimed on behalf of the said manufacturers, and that no part of the said 83 tons, 895 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me  
at Quebec this 2nd day of  
December, 1884.

G. B. HALL,

HERBERT M. PRICE, J.P.

Received from the Minister of Customs the sum of \$125.17, in full payment of claim as above.

HALL BROS. & CO.

Per W. S. DUFFUS.

OTTAWA, 6th December, 1884.



MONTREAL, 9th January, 1885.

SIR,—I respectfully request that you will be good enough to remit us, as usual, the bounty due on pig iron made at Londonderry during the months of November, 2803 and December, f. 2617, as per claims sent by the works manager to your department.

I have just returned from Europe or earlier application would have been made, the money being wanted.

Your most obedient servant,

A. T. PATERSON, *Liquidator Steel Co. of Canada (Limited).*

Hon. the Minister of Customs, Ottawa.

Claim No. 3718.

### CLAIM FOR BOUNTY ON PIG IRON.

I, George Jamme, of Acadia mines, do solemnly and truly swear that I am general manager of the smelting works situate at Acadia iron mines, in the Province of Nova Scotia, and known as the Steel Company of Canada Works, and that within my own personal knowledge there has been manufactured thereat, wholly from Canadian ore (of a quality known as Londonderry hematite ore) since the 31st day of October, 1884, and prior to the 1st day of December, 1884, 1,869 tons, 560 lbs. net, of pig iron, of a quality known as Siemens, on which a bounty of \$1.50 per ton, amounting to the sum of \$2,803.92, is hereby claimed on behalf of the said manufacturers, and that no part of the said 1,869 tons, 560 lbs of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me at }  
Acadia Mines this 9th day of }  
December, 1884.

G. JAMME, *Gen'l Manager and Liquidator.*

THOMAS M. DUNPHY, J.P.

Received from the Minister of Customs the sum of \$2,803.92, in full payment of claim as above.

A. T. PATERSON, *Liquidator Steel Co. of Canada (Limited).*

MONTREAL, 12th January, 1885.

CUSTOMS DEPARTMENT, OTTAWA, 10th January, 1885.

SIR,—In answer to yours of yesterday's date, I would state that a cheque goes forward to-day to Collector Ryan, to pay bounty on pig iron manufactured in November by your company. No claim has been received for December makes.

I am, Sir, yours, &c.

W. G. PARMELEE, *Accountant.*

A. T. PATERSON, Esq., *Liquidator Steel Company of Canada, Montreal.*

MONTREAL, 3rd January, 1885.

DEAR SIR,—Enclosed please find the report of our quarterly make of charcoal pig iron, amounting to 1,004 tons, 160 lbs. Would you kindly put it through for us before, and oblige.

JOHN McDOUGALL & CO.

W. G. PARMELEE, Esq., *Accountant, Customs Department, Ottawa.*

Claim No. 3822.

## CLAIM FOR BOUNTY ON PIG IRON.

I, Robert Cowans, of Montreal, do solemnly and truly swear that I am a member of the firm of John McDougall & Co., the proprietors of the smelting works situate at Drummondville, in the Province of Quebec, and known as the Grantham iron works, and that within my own personal knowledge there has been manufacture thereat, wholly from Canada ore (of a quality known as bog ore) since the 1st day of October, 1884, and prior to the 1st day of January, 1885, 1,004 tons, 160 lbs. net of pig iron, of a quality known as charcoal iron, on which a bounty of \$1.50 per ton amounting to the sum of \$1,506.12, is hereby claimed on behalf of the said manufacturers, and that no part of the said 1,004 tons, 160 lbs. of pig iron has been included in any claim for bounty heretofore made.

R. COWANS.

Subscribed and sworn to before me }  
 at Montreal this 2nd day of }  
 January, 1885.  
 H. F. STARNES, J.P.

Received from the Minister of Customs the sum of \$1,506.12, in full payment of claim as above.

JOHN McDOUGALL &amp; CO.

MONTREAL, 12th January, 1885.

LONDONDERRY, N.S., 9th January, 1885.

Please find enclosed herewith claim for bounty on pig iron from 1st to 31st December inclusive, amounting to (\$2,617.44) two thousand six hundred and seventeen dollars and forty-four cents.

Yours truly,  
 THE STEEL COMPANY OF CANADA (Limited).  
 G. JAMME, *General Manager and Liquidator*.  
 Per R.

CUSTOMS DEPARTMENT, Ottawa.

Claim No. 3843.

## CLAIM FOR BOUNTY ON PIG IRON.

I, George Jamme, of Acadia iron mines, do solemnly and truly swear that I am general manager of the smelting works situate at Acadia iron mines, in the Province of Nova Scotia, and known as the Steel Company of Canada Works, and that within my own personal knowledge there has been manufacture thereat, wholly from Canada ore (of a quality known as Londonderry hematite ore) since the 1st day of November, 1884, and prior to the 1st day of January, 1885, 1,744 tons, 1,920 lbs. net of pig iron, of a quality known as Siemens, on which a bounty of \$1.50 per ton amounting to the sum of \$2,617.44, is hereby claimed on behalf of the said manufacturers, and that no part of the said 1,744 tons, 1,920 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me }  
 at Acadia Mines this 9th day }  
 of January, 1885.  
 THOMAS M. DUNPHY, J.P.

G. JAMME, *General Manager*.

Received from the Minister of Customs the sum of \$2,617.44, in full payment of claim as above.

A. T. PATERSON, *Liquidator Steel Co. of Canada (Limited)*.  
 MONTREAL, 15th January, 1885.



CUSTOMS DEPARTMENT, OTTAWA, 13th January, 1885.

SIR,—Referring to my letter to you of the 10th instant, *re* claims for bounty on pig iron manufactured by the Steel Works of Canada, I have now to state that your company's claim for December is in, and a cheque will go forward to the collector to-day to pay same.

I have the honor to be, Sir, your obedient servant,

W. G. PARMELEE, *Accountant*.

A. T. PATERSON, Esq., Montreal, Que.

LONDONDERRY, N.S., 2nd February, 1885.

GENTLEMEN,—Please find enclosed herewith claim for bounty on pig iron from 1st to 31st January, inclusive, amounting to (\$2,591.15) two thousand five hundred and ninety-one dollars and fifteen cents.

Yours truly,

THE STEEL COMPANY OF CANADA (Limited).

G. JAMME, *General Manager and Liquidator*.

Per R.

CUSTOMS DEPARTMENT, OTTAWA.

Claim No. 3930.

### CLAIM FOR BOUNTY ON PIG IRON.

I, George Jamme, of Acadia mines, do solemnly and truly swear that I am general manager of the smelting works situate at Acadia iron mines, in the Province of Nova Scotia, and known as the Steel Company of Canada Works, and that within my own personal knowledge there has been manufactured thereat, wholly from Canadian ore (of a quality known as Londonderry hematite ore) since the 1st day of December, 1884, and prior to the 1st day of February, 1885, 1,727 tons, 872 lbs. net, of pig iron, of a quality known as Siemens, on which a bounty of \$1.50 per ton, amounting to the sum of \$2,591.15, is hereby claimed on behalf of the said manufacturers, and that no part of the said 1,727 tons, 872 lbs. of pig iron has been included in any claim for bounty heretofore made.

Subscribed and sworn to before me  
at Acadia Mines this 2nd day  
of February, 1885.

THOMAS M. DUNPHY, J.P.

G. JAMME, *General Manager*.

Received from the Minister of Customs the sum of \$2,591.15, in full payment of claim as above.

A. T. PATERSON, *Liquidator Steel Co. of Canada (Limited)*.

MONTREAL, 7th February, 1885.





## RETURN

(85a)

to an ADDRESS of the HOUSE OF COMMONS, dated 5th February, 1885 ;—For

- (1) A copy of the Order in Council respecting the submission to the Supreme Court of the case agreed on between the Government of Canada and the Government of each of the Provinces under the Liquor License Act of 1883, and the Act to amend the Liquor License Act of 1883, as to the competency of Parliament to pass the said Acts in whole or in part.
- (2) A copy of the said case of the Factum of the Government of Canada, and of the Factum of each of the said Provinces, the arguments of Counsel in such case and the notes of the Short-hand Reporter taken during such argument.
- (3) A copy of the Report of said Court in said case.
- (4) All correspondence between the Government of Canada and the Government of each of said Provinces, touching said case, and the submission thereof and the Report thereon, and all correspondence between said Governments before and since said Report respecting the same, and the matters in dispute and so referred.

By Command,

J. A. CHAPLEAU,

Department of the Secretary of State,  
Ottawa, 11th March, 1885.

*Secretary of State.*

GOVERNMENT HOUSE, FREDERICTON, 11th July, 1884.

SIR,—I have the honor to enclose the copy of an Order, passed in Council by my Government on the 9th instant, with reference to the subject of the Act to amend the Liquor License Act, 1883, and the case relating thereto, to be argued before the Supreme Court of Canada, brought under their consideration by your despatch of 30th May last.

I have the honor to be, Sir, your most obedient servant,

ROBT. D. WILMOT, *Lieutenant-Governor.*

Hon. the Secretary of State, Ottawa.

## NEW BRUNSWICK.

*In Council, 9th July, 1884.*

PRESENT:—His Honor the Lieutenant-Governor, &amp;c., &amp;c., &amp;c.

His Honor submits copy of a despatch from the Secretary of State, of date 30 May, 1884, informing His Honor that His Excellency the Governor-General in Council has been pleased to order, *inter alia*, that a special case be referred to the Supreme Court of Canada, touching the validity of the Liquor License Act of 1883, and the Act in amendment of the Liquor License Act of 1883, and inviting His Honor the Lieutenant-Governor of this Province, in common with the several Lieutenant-Governors of the Provinces of the Dominion, to become parties in such case, with the case enclosed.

Ordered that His Excellency the Governor General be advised that His Honor the Lieutenant-Governor accepts the invitation to become a party to the case to be stated as aforesaid.

And further ordered that it be ascertained whether the fees of counsel, who may represent each of the Provinces, will be paid by the Dominion Government.

(Certified) F. A. H. STRATON.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 16th July, 1884.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 11th instant, enclosing a copy of an approved Minute of the Executive Council of New Brunswick, on the subject of the Act amending the Liquor License Act of 1883, and the case relating thereto shortly to be heard before the Supreme Court of Canada.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

His Honor the Lieutenant-Governor of New Brunswick, Fredericton, N.B.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 15th August, 1884.

The Committee of the Privy Council have had under consideration a despatch, dated 11th July, 1884, from the Lieutenant-Governor of New Brunswick, transmitting a Minute of his Executive Council, requesting to be advised with reference to the special case to be referred to the Supreme Court of Canada respecting the validity of the Liquor License Act of 1883, whether the fees of counsel who may represent each of the Provinces are to be paid by the Dominion Government.

The Minister of Justice, to whom the despatch and its enclosure were referred, recommends that the Lieutenant-Governor be informed that it is not the intention of the Government of Canada to pay for the services of the counsel who may represent the several Provincial Governments.

The Committee submit the foregoing for Your Excellency's approval.

JOHN J. MCGEE.

Hon. the Secretary of State, Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 27th August, 1884.

SIR,—I have the honor to acquaint you, for the information of your Government, that His Excellency the Governor General has had under his consideration in Council your despatch, dated the 11th ultimo, transmitting a Minute of the Executive Council of the Province of New Brunswick, requesting to be advised with reference to the special case to be referred to the Supreme Court of Canada, respecting the validity of the Liquor License Act, 1883, whether the fees of counsel who may represent each



f the Provinces are to be paid by this Government, and that His Excellency is advised that it is not the intention of the Government of Canada to pay for the services of the Counsel who may represent the several Provincial Governments.

I have the honor to be, Sir, your obedient servant,  
G. POWELL, *Under Secretary of State.*

His Honor the Lieut.-Governor of New Brunswick, Fredericton, N.B.

GOVERNMENT HOUSE, WINNIPEG, MANITOBA, 8th September, 1884.

SIR,—I have the honor to transmit herewith a despatch from my Government, in reply to a communication from you, dated the 21st July, referring to the case which it is proposed to submit to the Supreme Court of Canada, as to the competency of the Parliament of Canada to pass the Liquor License Act, 1883, and the Act to amend the Liquor License Act, 1883.

I have the honor to be, Sir, your obedient servant,  
J. C. AIKINS.  
Hon. the Secretary of State, Ottawa.

DEPARTMENT OF PROVINCIAL SECRETARY,  
WINNIPEG, MANITOBA, 5th September, 1884.

SIR,—In reply to your letter of the 25th July, enclosing a despatch from the Under Secretary of State, dated 21st July, referring to previous correspondence respecting the case which it is proposed to submit to the Supreme Court of Canada, as to the competency of the Parliament of Canada to pass the Liquor License Act, 1883, and the Act to amend the Liquor License Act, 1883, and asking whether the Government of Manitoba is desirous to have the fact of their being parties to the reference appear on the record, I have the honor to inform you, that although the Government do not admit that the Parliament of Canada has the right to legislate in the matter therein contained, as another Province has already raised the question, they do not see that any object would be gained by extending the parties to the reference, as the decision of the Privy Council will settle the question with reference to this matter.

I have the honor to be, Sir, your obedient servant,  
D. H. WILSON, *Provincial Secretary.*  
His Honor the Lieutenant-Governor of Manitoba.

DEPARTMENT OF THE SECRETARY OF STATE,  
OTTAWA, 15th September, 1884.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 8th instant, transmitting a copy of a letter received by you from your Provincial Secretary on the subject of the case about to be submitted to the Supreme Court, under the 26th section of the Liquor License Act and the Act amending the same, and to state that the matter will receive due consideration.

I have the honor to be, Sir, your obedient servant  
G. POWELL, *Under Secretary of State.*  
His Honor the Lieutenant-Governor of Manitoba, Winnipeg.

(By Telegraph.)

HALIFAX, N. S., 19th June, 1884.

The Honorable the Secretary of State :

My Government greatly desire postponement of argument *re* Dominion License Act until September. Please acquaint me if this can be conceded.

M. H. RICHEY, *Lieutenant-Governor.*

*(Memorandum.)*

DEPARTMENT OF JUSTICE, OTTAWA, 20th June, 1884.

*(Answer.)*

The hearing of the License Act question has been postponed until some date between the 9th and 20th September. The exact date will not be fixed I think until tomorrow.

GEO. W. BURBIDGE, *Deputy Minister of Justice.*  
Hon. the Secretary of State.

*(By Telegraph.)*

OTTAWA, 20th June, 1884.

*His Honor the Lieutenant-Governor of Nova Scotia, Halifax, N. S.*

Message received; hearing of License Act question postponed until some date between 9th and 20th September; exact date will not be fixed until tomorrow.

J. A. CHAPLEAU.

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 21st June, 1884.

SIR,—I have the honor to inform you that a letter has been received by the Department, from the registrar of the Supreme Court, stating that the judges have fixed upon Tuesday, the 23rd September next, at 11 a. m., to proceed with the hearing of the case submitted in the matter of the Liquor License Act, 1883, and amending it.

I have also the honor to request that you will be good enough to communicate this decision to the Lieutenant-Governors of the different Provinces.

I am, Sir, your obedient servant,

GEO. W. BURBIDGE, *D. M. J.*

Under Secretary of State.

*(Translation.)*

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 23rd June, 1884.

SIR,—With reference to previous correspondence on the subject of the Act amending the Liquor License Act, 1883, and the case relating thereto to be argued before the Supreme Court of Canada, I have the honor to acquaint you, for the information of your Government, that an intimation has been received at the Department that their Lordships the Chief Justice and judges of that court have postponed the hearing of the said case until the 23rd day of September next, at eleven o'clock a.m.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

His Honor the Lieutenant-Governor of the Province of Quebec, Quebec.

GOVERNMENT HOUSE, VICTORIA, 13th June, 1884.

SIR,—I have the honor to forward a copy of a Minute of my Executive Council approved by me on the 11th instant.

In accordance with the recommendation therein contained, the Hon. Mr. DAVENPORT, Attorney-General for this Province, will proceed to Ottawa this week for the purpose of taking part in the argument before the Supreme Court on the Liquor License Act, 1883.

I have the honor to be, Sir, your obedient servant,

CLEMENT F. CORNWALL, *Lieutenant-Governor.*

Hon. the Secretary of State, Ottawa.



OPY of a *Report of a Committee of the Honorable the Executive Council, approved by His Honor the Lieutenant-Governor the 11th day of June, 1884.*

The Committee of Council having advised, in a Minute approved on the 22nd day of May, 1884, that His Honor the Lieutenant-Governor should become a party to the case to be submitted to the Supreme Court of Canada, under section 26 of "An Act to amend the Liquor License Act, 1883" (chapter 32 of the Dominion Statutes, 1884), and that the Province should be heard by counsel in the argument of the case; and having now being informed by His Honor that the hearing would take place on the 26th day of June, instant, the Committee consider that the interests of the Province will be best conserved by the Attorney-General proceeding to Ottawa, and representing His Honor the Lieutenant-Governor on the case argument before the Supreme Court.

The Committee therefore advise that the Hon. Alexander E. B. Davie, Attorney-General of British Columbia, be authorized to proceed at once to Ottawa for the above mentioned purpose; and that if this Minute be approved, a copy be forwarded to the Hon. the Secretary of State for Canada.

(Certified) JNO. ROBSON, *Clerk Executive Council.*

(Telegraph.)

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 24th June, 1884.

To the *Lieutenant-Governor, Victoria, B.C.:*

Despatch of 13th instant received. Argument on Liquor License Acts before Supreme Court postponed until 23rd September next.

J. A. CHAPLEAU.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 24th June, 1884.

SIR,—With reference to previous correspondence on the subject of the Act to amend the Liquor License Act, 1883, and the case relating thereto to be argued before the Supreme Court of Canada, I have now the honor to acquaint you, for the information of your Government, that an intimation has been received at this Department that their Lordships the Chief Justice and judges of that court have postponed the hearing of the said case until the 23rd day of September next, at eleven o'clock a.m.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

His Honor the Lieutenant-Governor of Ontario, Toronto.

(By Telegram.)

VICTORIA, B.C., 5th August, 1884.

To Secretary of State:

Reply to despatch 21st July, my Government desires it should appear on the record that the Lieutenant-Governor of the Province of British Columbia, on behalf of the said Province, has become and is a party to this reference.

CLEMENT F. CORNWALL, *Lieutenant-Governor.*

GOVERNMENT HOUSE, HALIFAX, N.S., 2nd August, 1884.

SIR,—Referring to Mr. Under Secretary Powell's despatch of the 21st July last, in which he acquainted me that the Lieutenant-Governor of Ontario had applied for the statement to be added to the case about to be submitted to the Supreme Court of Canada, touching the validity of the Liquor License Act of 1883, that he desired, on behalf of the Province of Ontario, to become a party to the said case, and asking if my Government in like manner wished to become parties to the reference, I have the honor to inform you that having submitted the matter to the members of my

Government they have passed a Minute of Council, a certified copy of which is herewith enclosed, expressing their wish that I, on their behalf, should become a party to the reference, and pursuant thereto I have the honor to request that there be added to this case a statement that the Lieutenant-Governor of Nova Scotia has become and is a party to this reference.

I have the honor to be, Sir, your obedient servant,

M. B. RICHEY, *Lieutenant Governor.*

Hon. the Secretary of State, Ottawa.

*Copy of a Minute of Council passed at Halifax on the 30th day of July, A.D. 1884, and approved by His Honor the Lieutenant-Governor.*

"The Council having had under consideration the communications from the Department of the Secretary of State, to His Honor the Lieutenant-Governor, with reference to the questions to be submitted to the Supreme Court of Canada, and, necessary, to the most Honorable the Privy Council, touching the validity of 'The Liquor License Act, 1883,' and the Act amending the same;

"Ordered, That His Honor the Lieutenant-Governor be requested to communicate with the Department of the Secretary of State, and ask that the Lieutenant-Governor of Nova Scotia, on behalf of the Province, be made a party to the reference."

I certify the foregoing to be a true and correct copy of a Minute of Council passed and approved as aforesaid.

H. CROSSKILL, *Deputy Provincial Secretary.*

HALIFAX, 6th August, 1884.

GOVERNMENT HOUSE, VICTORIA, 8th August, 1884.

SIR,—I have the honor to enclose a copy of an Order in Council, approved by me on the 5th instant, with reference to the amendment of the case to be submitted to the Supreme Court, under the Liquor License Act and amending Acts, on which subject I telegraphed on the 5th inst.

I have the honor to be, Sir, your obedient servant,

CLEMENT F. CORNWALL, *Lieutenant-Governor.*

Hon. the Secretary of State, Ottawa.

*Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Honor the Lieutenant-Governor 5th August, 1884.*

The Committee of Council have had under consideration a despatch, dated 21st July, 1884, from the Under Secretary of State to His Honor the Lieutenant-Governor relative to the amendment of the case to be submitted to the Supreme Court of Canada, as to the validity of the Liquor License Act, 1883, and the amending Act by stating in the case that His Honor the Lieutenant-Governor of British Columbia has become and is a party to the reference.

The Committee advise that the suggested amendment be concurred in, and that His Honor be respectfully requested to despatch the following telegram to the Honorable the Secretary of State for Canada:—

"My Government desires that it should appear on the record that the Lieutenant-Governor of the Province of British Columbia, on behalf of the said Province has become and is a party to the reference."

Also, that a copy of this Minute, if approved, be forwarded to the Honorable the Secretary of State for Canada.

(Certified)

JNO. ROBSON, *Clerk Executive Council.*

GOVERNMENT HOUSE, FREDERICTON, N.B., 25th August, 1884.

SIR,—With reference to your despatch of the 24th July, inquiring whether the Government of New Brunswick are desirous, in like manner with that of Ontario



have the fact of their being parties to the reference to appear on the record in connection with the case proposed to be submitted to the Supreme Court of Canada, as to the competency of the Parliament of Canada to pass the "Liquor License Act 1883," and "The Act to amend the Liquor License Act, 1883," I have now the honor to enclose a certified copy of an Order passed by my Council and approved by me, in order to meet any possible objection that may be raised in the most Honorable the Privy Council, that this Province is not technically a party to the case, should it be carried before that body.

I have the honor to be, Sir, your obedient servant,

ROBERT WILMOT, *Lieutenant-Governor*.  
on. the Secretary of State, Ottawa.

### NEW BRUNSWICK.

*In Council, 23rd August, 1884.*

PRESENT:—His Honor the Lieutenant-Governor, &c., &c.

Ordered, That application be made to the Government of Canada to amend the use to be stated to the Supreme Court as to the competency of the Parliament of Canada to pass the Liquor License Act of 1883, and the Act to amend the Act of 1883, by adding the following statement:—

"The Lieutenant-Governor of the Province of New Brunswick, on behalf of the Province, has become and is a party to this reference."

(Certified) F. A. H. STRATON, *Clerk Executive Council*.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th May, 1884.

On a memorandum dated 15th May, 1884, from the Minister of Justice, recommending, with reference to the 26th section of the Act 47 Victoria, chapter 32, intituled: "An Act to amend the Liquor License Act, 1883,"

1st. That the case annexed be referred to the Supreme Court of Canada for hearing and determination.

2nd. That His Excellency consent to the Lieutenant-Governors of all the Provinces constituting the Dominion becoming parties to the case, and invite them so to become parties thereto.

3rd. That the Minister of Justice be given authority to take all steps necessary to obtaining an early decision of the questions so referred.

The Committee concur in the foregoing recommendations of the Minister of Justice, and advise that a despatch based on this minute, if approved, be forwarded to the Lieutenant-Governors of the several Provinces, for the information of their Governments.

JOHN J. MCGEE, *Clerk Privy Council*.

on. the Secretary of State, Ottawa.

### IN THE SUPREME COURT OF CANADA.

#### CASE.

The following questions are referred by His Excellency the Governor General in Council to the Supreme Court of Canada for hearing and determination in pursuance of the provisions of the 26th section of 47th Victoria, chapter 32, intituled: "An Act to amend the Liquor License Act of 1883."

I Question.—Are the following Acts, in whole or in part, within the legislative authority of the Parliament of Canada, namely:

(1.) The Liquor License Act, 1883.

(2.) An Act to amend "The Liquor License Act, 1883."

II Question.—If the court is of opinion that a part or parts only of the said Acts are within the legislative authority of the Parliament of Canada, what part or parts of said Acts are so within such legislative authority?

## DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 27th May, 1884.

SIR,—With reference to the Order in Council of the 19th inst., submitting to the Supreme Court of Canada, for hearing and determination, the question of the competency of the Parliament of Canada to enact "The Liquor License Act, 1883," and the Act to amend "The Liquor License Act, 1883," I have the honor to recommend that a communication be sent to the registrar of the court, with the request that he will lay it before the Chief Justice and judges of the court, and let you know when it will be convenient for the court to hear the case.

The Act under which the reference is made states that the authority is given for the purpose of having the question determined as soon as possible.

In view of this, and of the importance of obtaining an early decision, I think you might say to the registrar that the Government will be glad to have the court name as early a day as possible for hearing the case, allowing a reasonable time for counsel to prepare for the argument.

I am, Sir, your obedient servant,

GEO. W. BURBIDGE, *D.M.J.*

G. POWELL, Esq., Under Secretary of State, Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,  
OTTAWA, 28th May, 1884.

SIR,—I have the honor to transmit to you herewith, for the information of the Lordships the Chief Justice and justices of the Supreme Court of Canada, a copy of report of a Committee of the Honorable the Privy Council, duly approved by His Excellency the Governor General, referring a case (a copy of which is also enclosed) as to the competency of the Parliament of Canada to enact "The Liquor License Act, 1883," and the Act to amend "The Liquor License Act, 1883," for the hearing and determination of the said court.

You will be so good, after communication with their Lordships, as to inform me when it will be convenient for the court to hear this case. The Act under which the reference is made states that the authority is given for the purpose of having the question determined as soon as possible. In view of this, and of the importance of obtaining an early decision, I am to add that the Government will be glad to have their Lordships name as early a day as possible, allowing a reasonable time for counsel to prepare for the argument.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

Registrar of the Supreme Court of Canada, Ottawa.

THE SUPREME COURT OF CANADA,  
OTTAWA, 28th May, 1884.

SIR,—I have the honor to acknowledge the receipt of your letter of this date transmitting, for the information of their Lordships the Chief Justice and judges of the Supreme Court of Canada, a report of a Committee of the Honorable the Privy Council, duly approved by His Excellency the Governor General, referring a case (a copy of which was also enclosed), as to the competency of the Parliament of Canada to enact "The Liquor License Act, 1883," and the "Act to amend the Liquor License Act, 1883," for the hearing and determination of the said court.

The Chief Justice, before whom I have laid your letter, with its enclosures, has requested me to inform you that he will bring the subject before the judges for their consideration at the earliest opportunity.

I have the honor to be, Sir, your obedient servant,

ROBT. CASSELS, *Registrar Supreme Court of Canada.*

GRANT POWELL, Esq., Under Secretary of State, Ottawa.



## DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.

SIR,—I have the honor to acquaint you, for the information of your Government, that His Excellency the Governor General in Council has been pleased to order, with reference to the 26th section of the Act 47 Vic., chap. 32, intituled: "An Act to amend The Liquor License Act, 1883," that

1st. The annexed case be referred to their Lordships the Chief Justice and Justices of the Supreme Court of Canada for hearing and determination.

2nd. That His Excellency consents to their Honors the Lieutenant-Governors of the several Provinces constituting the Dominion becoming parties in the case, and invites them so to become parties thereto.

3rd. That authority be given to take all necessary steps for obtaining an early decision of the questions so referred.

I am to add that their Lordships of the Supreme Court of Canada have been informed that, in view of the authority granted in the last mentioned paragraph, and of the importance of obtaining an early decision on the case, the Government will be glad to have the court name as early a day as possible for hearing the case, allowing a reasonable time for counsel to prepare for the argument.

When their Lordships shall have named the day for hearing the case you will be duly notified thereof.

I have the honor to be, Sir, your obedient servant,  
G. POWELL, *Under Secretary of State.*

His Honor the Lieutenant-Governor of Ontario, Toronto, Ont.

(By Telegraph.)

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 30th May, 1884.

*Lieutenant Governor, Victoria, B.C.*

Lieutenant-Governors of Provinces may be parties to case under Liquor License Amendment Act. Hearing on 26th June. Letter with case by mail.

J. A. CHAPLEAU.

THE SUPREME COURT OF CANADA,  
OTTAWA, 30th May, 1884.

SIR,—Referring to your letter of the 28th instant, and my acknowledgment thereof of the same date, respecting the "Liquor License Act of 1883" and the case relating thereto, I have the honor to inform you that the Chief Justice has requested me to state that the earliest possible day on which the court can meet to hear such case will be Thursday, the 26th June next, on which day, at 11 o'clock, the court will sit, if counsel for the Dominion and the several Provinces are then ready to proceed with the argument.

I have the honor to be, Sir, your obedient servant,  
ROBERT CASSELS, *Registrar Supreme Court of Canada.*

GRANT POWELL, Esq., Under Secretary of State, Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,  
OTTAWA, 31st May, 1884.

SIR,—With reference to your letter of the 27th inst., I have the honor to inform you that an intimation has been received at this Department, from His Lordship the Chief Justice of the Supreme Court of Canada, to the effect that the earliest possible day upon which the court can meet to hear such case will be Thursday, the 26th June next, on which day, at 11 a.m., the court will sit, if counsel for the Dominion and the several Provinces are then ready to proceed with the argument.

I have the honor to be, Sir, your obedient servant,  
G. POWELL, *Under Secretary of State.*

Deputy of the Minister of Justice, Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,  
OTTAWA, 31st May, 1884.

SIR,—With reference to the letter to you of the 30th instant, and its enclosures, respecting the Act to amend the Liquor License Act, 1883, and the case relating thereto, I am directed to acquaint you, for the information of your Government, that an intimation has been received at this Department from his Lordship the Chief Justice of the Supreme Court of Canada, to the effect that the earliest possible day upon which the court can meet to hear such case will be Thursday, the 26th of June next, on which day, at 11 a.m., the court will sit if counsel for the Dominion and the several Provinces are then ready to proceed with argument.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

His Honor the Lieutenant-Governor of Ontario, Toronto, Ont.

(By Telegraph.)

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 31st May, 1884.

*To Lieut. Governor of British Columbia, Victoria, B.C.*

Questions submitted under Dominion License Act are :

1. Are the following Acts, in whole or in part, within the legislative authority of the Parliament of Canada, namely: (1.) The Liquor License Act, 1883; (2.) An Act to amend "The Liquor License Act, 1883."

2. If the court is of opinion that a part or parts only of the said Acts are within the legislative authority of the Parliament of Canada, what part or parts of said Acts are so within such legislative authority?

J. A. CHAPLEAU.

GOVERNMENT HOUSE, VICTORIA, 23rd May, 1884.

SIR,—I have the honor to enclose a copy of an Order in Council, approved by me on the 22nd instant, with reference to my becoming a party to the case to be submitted to the Supreme Court of Canada, under section 26 of the "Liquor License Act 1883," and the amending Act.

I caused the telegram referred to in the said Order in Council to be forwarded to you yesterday.

I have the honor to be, Sir, your obedient servant,

CLEMENT F. CORNWALL, *Lieutenant-Governor.*

Hon. the Secretary of State, Ottawa.

*COPY of a Report of a Committee of the Honorable the Executive Council, approved by His Honor the Lieutenant-Governor on the 22nd day of May, 1884.*

The Committee of Council, in reference to the "Liquor License Act, 1883," and the Act amending the same (chapter 32, 1884) passed by the Parliament of Canada, consider that the Acts in question are in derogation of the constitutional rights of the Province, and beyond the powers of the Parliament of Canada.

The Committee deem it to be highly advisable that His Honor the Lieutenant-Governor should, on behalf of the Province of British Columbia, become a party to the case to be submitted to the Supreme Court of Canada, in pursuance of section 26 of the said amending Act, and that the Province should be heard by counsel on the argument of the case.

The Committee therefore advise that a copy of this Minute, if approved, be forwarded to the Secretary of State, in order that the consent of the Governor in Council may be obtained to the Lieutenant-Governor of this Province becoming a party to the case, and that His Honor be respectfully requested to despatch the following telegram to the Honorable the Secretary of State for Canada:



"Approved Minute of Council forwarded by mail. Expresses desire that I should become party to case under Liquor License Amendment Act.

"Please obtain and wire Governor's consent and probable date of argument."  
(Certified) F. ELWYN, *Deputy Clerk of Executive Council.*

GOVERNMENT HOUSE, TORONTO, 6th June, 1884.

SIR,—In reply to your despatches of the 30th and 31st ultimo, with reference to the 26th section of the Act 47, chapter 32, intituled: "An Act to amend the Liquor License Act, 1883," I have the honor to state, for the information of your Government, that I accept the invitation of His Excellency the Governor General to be a party to the proposed submission to the Supreme Court of Canada of the question as to "The Liquor License Act, 1883," and "The Act to amend the Liquor License Act, 1883," being either in whole or in part within the legislative authority of the Parliament of Canada, as set out in the printed case transmitted in your despatch of the 30th ultimo.

I desire to request that there be added to the case to be submitted to the Supreme Court a statement that "the Lieutenant-Governor of the Province of Ontario, on behalf of the said Province, has become and is a party to this reference." This request is made in order that the possibility of any objection being raised in the most Honorable the Privy Council, that the Province is not technically a party to the case, may be avoided if the case should be carried to the Privy Council.

It is impossible, at the present moment, to say whether or not counsel will be able to argue the case at the date named, but as soon as this fact is ascertained communication thereof will be made to your Government. My Government would have been pleased had a later day been named, as they fear that the time allowed is too short to permit of united action by the Provinces.

I have the honor to be, Sir, your obedient servant,

JOHN BEVERLY ROBINSON, *Lieut.-Gov. of Ontario.*

Hon. the Secretary of State, Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,

OTTAWA, 10th June, 1884.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 6th instant, informing me, for the information of this Government, that you accept the invitation of His Excellency the Governor General to be a party to the proposed submission to the Supreme Court of Canada of the question as to "The Liquor License Act, 1883," and "The Act to amend the Liquor License Act, 1883," being, either in whole or in part within the legislative authority of the Parliament of Canada, as set out in the printed case transmitted to you in my letter of the 30th ultimo, and requesting that there be added to the case to be submitted to the Supreme Court a statement that "the Lieutenant-Governor of the Province of Ontario, on behalf of the said Province, has become and is a party to this reference."

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

His Honor the Lieutenant-Governor of Ontario, Toronto, Ont.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,

OTTAWA, 10th June, 1884.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 23rd ultimo, transmitting a copy of a Minute of your Executive Council, duly approved by you on the 22nd ultimo, with reference to your becoming a party to the case to be submitted to the Supreme Court of Canada, under section 26 of the "Liquor License Act, 1883," and the amending Act.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

Lieutenant-Governor of British Columbia, Victoria, B.C.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 8th July, 1884.*

The Committee of the Privy Council have had under consideration a despatch, dated 6th June, 1884, from His Honor the Lieutenant-Governor of Ontario, respecting the case which it is proposed to submit to the Supreme Court of Canada, as to the competency of the Parliament of Canada to pass "The Liquor License Act, 1883," and "The Act to amend the Liquor License Act, 1883."

The Minister of Justice, to whom the despatch was referred, reports that he sees no objection to the addition to the case of some such statement as that suggested, namely: "The Lieutenant-Governor of the Province of Ontario, on behalf of the said Province, has become and is a party to this reference." It may be, however, that to meet the possible difficulty pointed out by the Lieutenant-Governor of Ontario, in case of an appeal to the Privy Council, the other Provinces, or some of them, may desire the fact of their being parties to appear upon the face of the reference, and he the Minister, thinks it would be well, before taking any action upon this portion of the despatch, to ascertain the views of the Government of the several Provinces in this respect.

The Minister states, with reference to the date fixed for the argument of the case, and referred to in the said despatch, and in a despatch of the Lieutenant-Governor of New Brunswick, of the 9th instant, that the Chief Justice of the Supreme Court, on the application of the Attorneys-General of Ontario and New Brunswick made under date of the 18th of June instant, has decided to postpone the hearing of the case until September next.

The Committee concur in the report of the Minister of Justice, and they advise that a despatch, based upon this Minute, if approved, be transmitted by the Secretary of State to the Lieutenant-Governors of the several Provinces for the information of their respective Governments.

JOHN J. MCGEE.

Hon. the Secretary of State, Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE,  
OTTAWA, 15th September, 1884.

SIR,—I have the honor in compliance with your verbal request, to transmit to you herewith a copy of a despatch from each of the Lieutenant-Governors mentioned in the margin, desiring, on behalf of their respective Governments to become a party to the case about to be submitted to the Supreme Court of Canada, in pursuance of section 26 of "The Liquor License Act, 1883," and the Act amending the same.

I am at the same time to inform you that a despatch has been received by the Secretary of the State from His Honor the Lieutenant-Governor of Manitoba, covering a letter addressed to him by his Provincial Secretary, in which that officer, on behalf of the Government, declines to become a party to the case above referred to.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

Deputy Minister of Justice, Ottawa.

## IN THE SUPREME COURT OF CANADA.

MONDAY, 12th January, A.D. 1885.

PRESENT:—The Honorable Sir WILLIAM JOHNSTONE RITCHIE, Knight, Chief Justice

do	SAMUEL HENRY STRONG, J.
do	TÉLESOPHORE FOURNIER, J.
do	WILLIAM ALEXANDER HENRY, J.
do	JOHN WELLINGTON GWYNNE, J.

A special case, containing the following questions, having been referred by His Excellency the Governor General in Council to the Supreme Court of Canada, for



hearing and determination, in pursuance of the provisions of the 26th section of 47 Victoria, chapter 32, intituled: "An Act to amend the Liquor License Act, 1883:"—

I Question.—Are the following Acts, in whole or in part, within the legislative authority of the Parliament of Canada, namely:

(1) "The Liquor License Act, 1883."

(2) "An Act to amend the Liquor License Act, 1883."

II Question.—If the court is of opinion that a part or parts only of the said Acts are within the legislative authority of the Parliament of Canada, what part or parts of said Acts are so within such legislative authority?

And the said case having come before the court for hearing on the 23rd day of September last past, whereupon and upon application of Mr. Bethune, Q.C., one of the counsel representing the Dominion of Canada, the said case so referred was amended, by stating that in pursuance of section 26, sub-sec. 3, of the said Act, 47 Vic., chap. 32, an Act to amend "The Liquor License Act, 1883," the Provinces of Ontario, Quebec, New Brunswick and British Columbia had become parties to the said case; and the said case having been subsequently further amended by stating that the Province of Nova Scotia had also become a party thereto.

And the said cause, so amended as aforesaid, having come on for hearing before this court, in presence of counsel for the said Dominion of Canada, and for the said Provinces, on the 23rd, 24th, 25th, 26th and 27th days of September last past, whereupon and upon hearing what was alleged by counsel aforesaid, this court was pleased to reserve the said case for consideration, and the court, having duly considered the same, do now certify to His Excellency the Governor General in Council, in answer to the questions submitted for the determination of the said court on the said case, that in the opinion of the said court the Acts referred to in the said case, namely, "The Liquor License Act, 1883," and "An Act to amend the Liquor License Act, 1883," are, and each of them is, *ultra vires* of the legislative authority of the Parliament of Canada, except in so far as the said Acts respectively purport to legislate respecting those licenses mentioned in section 7 of the said "The Liquor License Act, 1883," which are those denominated vessel licenses and whole-sale licenses, and except also in so far as the said Acts respectively relate to the carrying into effect of the provisions of "The Canada Temperance Act, 1878."

The Honorable Mr. Justice Henry being of opinion that the said Acts are *ultra vires* in the whole.

By the Court.

ROBT. CASSELS, Registrar.

## IN THE SUPREME COURT OF CANADA.

*In the matter submitted under Order in Council respecting the validity of the Liquor License Act of 1883, and the Act amending the same.*

### FACTUM ON BEHALF OF THE ATTORNEY-GENERAL OF CANADA.

In this factum, "Parliament" means the Parliament of Canada, and "Legislature" means the Legislature of a Province.

The Honorable the Attorney-General of Canada submits that the statutes in question, and every part thereof, are within the jurisdiction of the Parliament.

The statute of 1883 contains a recital in the words following:—

"Whereas it is desirable to regulate the traffic in the sale of intoxicating liquors, and it is expedient that the law respecting the same should be uniform throughout the Dominion, and that provision should be made in regard thereto for the better preservation of peace and order." Parliament purported to exercise its powers under the 2nd sub-section of section 91 of the "British North America Act, 1867," which gave it exclusive power to make laws respecting "the regulation of trade and commerce," and also under that part of section 91 which enabled it to make laws respecting the "peace and order and good government of Canada."

It is submitted that under both these heads of jurisdiction every portion of the statutes referred to must be held to be within the competence of Parliament.

It is further submitted that the onus of showing that the statutes in question or any part thereof, are not within the competence of Parliament, rests upon the Provinces.

It is submitted that the wholesale trade in liquor is clearly within the jurisdiction of Parliament, and that the retail trade is so intimately identified with the wholesale trade, that when Parliament thinks fit to interfere and enact laws respecting the whole trade, retail as well as wholesale, it cannot be successfully argued that Parliament has not the power to do so. As to the wholesale trade, the matter is concluded by the judgment of the Supreme Court in *Severn vs. The Queen*, and the City of *Fredericton vs. The Queen*, and the latter case has, in express terms, been affirmed in the Privy Council in *Russell vs. The Queen*. All these cases have determined that the only jurisdiction which the Province possessed under subsection 9 of section 92, is power "to raise a revenue for provincial, municipal or local purposes."

In *Russell vs. The Queen*, 7, Appeal Cases, page 837, it is said: "With regard to the first of these classes, number 9, it is to be observed that the power of granting licenses is not assigned to the Provincial Legislatures for the purpose of regulating trade, but in order to the raising of revenue for provincial, local or municipal purposes. The Act in question (referring to the Temperance Act of 1878) is not a fiscal law. It is not a law for raising revenue. On the contrary, the effect of it may be to destroy or diminish revenue. Indeed, it was a main objection to the Act that, in the City of *Fredericton* it did, in point of fact, diminish the sources of revenue. It is evident, therefore, that the matter of the Act is not within the class of subject number 9, and, consequently, that it could not have been passed by the Provincial Legislature, by virtue of any authority conferred upon it by that sub-section." It is contended, however, by the Provinces, that the judgment of the Privy Council, in the case of *Hodge vs. The Queen*, reported in 9, Appeal Cases, page 117, has determined that the Acts in question are not within the power of Parliament.

It is important, therefore, shortly to examine this latter judgment, and to see how far the Privy Council intended to alter their deliberately expressed opinion in *Russell vs. The Queen*. It appears that in no respects did their Lordships intend to vary that expressed opinion. On page 130 it is said: "It appears to their Lordships that *Russell vs. The Queen*, when properly understood, is not an authority in support of the appellant's contention, and their Lordships do not intend to vary or depart from the reasons expressed for their judgment in that case." The single point presented in *Hodge vs. The Queen* was, whether or not the License Commissioners had power, under the provincial laws, in question in that case, to make a regulation or by-law to the effect that no billiard table should be kept in a licensed hotel. It is submitted that the judgment in the latter case, when rightly understood, and applied to the particular subject in hand, is not at all inconsistent with the judgment in the earlier case of *Russell vs. The Queen*.

Their Lordships, in *Hodge vs. The Queen*, at page 131, after enumerating shortly the provisions of the Ontario License Act in question, say: "These seem to be all matters of a merely local nature in the Province, and to be similar to, though not identical in all respects with, the powers then belonging to municipal institutions under the previously existing laws passed by the local Parliaments. Their Lordships consider that the powers intended to be conferred by the Act in question, when properly understood, are to make regulations in the nature of police or municipal regulations, of a merely local character, for the good government of taverns &c., licensed for the sale of liquors by retail, and such as are calculated to preserve in the municipality, peace and public decency, and to repress drunkenness and disorderly and riotous conduct. As such they cannot be said to interfere with the general regulation of trade and commerce, which belong to the Dominion Parliament and do not conflict with the provisions of the Canada Temperance Act, which does not appear to have, as yet, been locally adopted. The subjects of legislation in the



Ontario Act of 1877, sections 4 and 5, seem to come within the heads of numbers 8, 15 and 16, of section 92, of the British North America Statute, 1867.

It will be observed that nothing is said by their Lordships about sub-section 9 of section 92. Sub section 15 may be dismissed from the controversy now in question, because it relates merely to the punishment, by fine or imprisonment, of the violation of provincial statutes. The two sub-sections of section 92, under which their Lordships have determined that the provincial law in question, in *Hodge vs. The Queen*, should be sustained, are those (1) which relate (sub-section 8) to "municipal institutions in the Province," and (2) (sub-section 16) "generally all matters of a merely local or private nature in the Provinces." It would, therefore, appear quite clear that their Lordships were dealing with the matter as one involving merely local and private matters in the various municipalities of the Province, and were in no sense assuming to determine that Parliament had no power to make general regulations to be in force throughout the whole of Canada, when Parliament, in its wisdom, should think fit so to do. Bearing in mind that their Lordships had present to their minds the opinions formerly expressed in *Russell vs. The Queen*, it is impossible to read pages 837, 838 and 839 of 7th Appeal Cases, containing part of their Lordships' judgment in *Russell vs. The Queen*, without being driven to the conclusion that their Lordships thought that so long as Parliament did not legislate upon the subject of the regulation of the liquor traffic, and in so far as Parliament did not so legislate, the Legislature might make local police regulations for the government of licensed houses, which should be in force until Parliament did legislate upon the subject.

It is quite well settled now that in the United States of America, under their Constitution, the State Legislature may, as to various matters over which Congress has undoubted jurisdiction, make laws which shall be in force until laws are passed by Congress. See, upon this point, section 330 (2) of Pomeroy on Constitutional Law, where the cases upon this point are summarized as follows:—

"Section 330 (2). In respect to measures which are properly, though perhaps indirectly, regulations of commerce, if Congress, proceeding under the general power conferred upon it, has already legislated upon any subject connected with foreign commerce or with that among the States, the several States are entirely deprived of any authority over the same subject matter—they are entirely cut off and debarred from the exercise of the legislative function. The prior occupation of the field by the National Legislature excludes any participation therein by the individual States, but if Congress have not legislated, if these powers, as given by the Constitution, lie dormant, the States are free to act. Their action, however, is not absolute and final; it is only conditional; it is certainly subject to be displaced by the laws of Congress, if that body should see fit to exercise its power and regulate the particular subject."

All the cases are agreed as to the correctness of this proposition, but in its application there may be some diversity.

Their Lordships, in the earlier case of *L'Union St. Jacques de Montreal vs. Bélisle*, Law Reports 6, Privy Council Appeals at page 36, had before them the question of the validity of an Act of the Legislature of the Province of Quebec, which had provided for the winding-up of the affairs of an insolvent benevolent corporation. It was argued, in that case, that that was an invasion of the jurisdiction of Parliament under bankruptcy and insolvency, but their Lordships held that it was not to be so regarded, and at page 36, in giving judgment, Lord Selborne says: "The hypothesis was suggested, in the argument by Mr. Benjamin, who certainly argued this case with his usual ingenuity and force, of a law having been previously passed by the Dominion Legislature, to the effect that any association of this particular kind throughout the Dominion, on certain specified conditions, assumed to be exactly those which appear upon the face of this Statute should thereupon *ipso facto* fall under the legal administration in bankruptcy or insolvency. Their Lordships are by no means prepared to say that if any such law as that had been passed by the Dominion Legislature it would have been beyond their competency, nor that

if it had been so passed it would have been within the competency of the Provincial Legislature afterwards to take a particular association out of the scope of a general law of that kind, so competently passed by the authority which had power to deal with bankruptcy and insolvency, but no such law ever has been passed; and to suggest the possibility of such a law, as a reason why the power of the Provincial Legislature over this local and private association should be in abeyance or altogether taken away, is to make a suggestion which, if followed up to its consequences would go far to destroy that power in all cases."

It is submitted that the effect of their Lordships' opinion, in the case last referred to, is that, as to many matters, while the power of Parliament is in abeyance, a similar power to that of Parliament may be exercised by the Legislature of the Province, in a matter merely local. Indeed, their Lordships, in *Hodge vs. The Queen*, say: "The principle which that case (meaning *Russell vs. The Queen*) and the case of the Citizens' Insurance Company, illustrate, is that a subject, which, in one aspect and for one purpose, falls within section 92, may, in another aspect and for another purpose, fall within section 91." It is submitted, therefore, that the true interpretation of *Hodge vs. The Queen* is, that so long as Parliament does not legislate upon the subject of the liquor traffic, the Provincial Legislature may make regulations for the preservation of decency and order in the municipalities within the Province, touching the licensed houses as matters of merely local police, but that when Parliament does legislate respecting the traffic, these regulations, so far as they may be inconsistent with the general regulation of Parliament respecting the traffic, must give way to the paramount regulation made by Parliament.

In arguing *Hodge vs. The Queen*, the counsel for the Attorney-General of Ontario did not ask their Lordships to place the rights of the Province upon any higher ground.

In the shorthand writer's notes of the argument, second day, page 77, Mr. Davey says: "Now, does this Act, in particular, come within that class of subjects which the Provincial Legislatures are made competent to deal with? I say it does: not because it deals with the liquor traffic in particular, but because it is a matter of police regulation."

"It is a matter of police regulation, which is, in the first place, a matter of merely local character; in the second, is dealing with municipal institutions. This Board of License Commissioners, which is created by the Act in question, is a municipal institution, just as much as the Police Commissioners or the Municipal Council, who exercised analogous or the same functions under the earlier Acts, were one of the municipal institutions of the country. The liquor traffic is not regulated by the municipal authority of the country."

And at page 78, Mr. Davey says: "I do not ask you to lay down, as an abstract proposition, which would probably be untrue, whichever way it was laid down, that the liquor traffic is such an exclusive traffic for one or the other." And further on he says, on the same page: "I cannot imagine, on the other hand, and, in fact, no submission is, that police regulations, with regard to the times of closing public houses, with the object of preventing public houses from becoming a resort for thieves and prostitutes, and other bad characters, and with regard to obtaining public quiet and matters of that kind, in that point of view, the regulation of the liquor traffic, I may use the expression, is a matter of a purely local character, and a fit subject-matter for the Provincial Legislatures to deal with. Therefore, I do not at all, for my own part, think it at all necessary to ask your Lordships to pronounce an opinion on that abstract question, which my learned friends apparently desire to seek your Lordships' opinion upon, because I am bound to admit that, if you said it was either one or the other exclusively, either proposition would be wrong, because it may belong, in different aspects in different respects to both or either."

At page 79 Mr. Davey further says: "The second observation which I make and it is an observation in making which I am only repeating what was said by your Lordships in the case of *The Citizens Insurance Company vs. Parsons*, 7 Appeal cases:—"That that power to legislate with regard to trade and commerce



does not mean that every question regarding every trade can be dealt with only by the Dominion Legislature, but it means those that it reserves to the Dominion Legislature, the power of what I call general legislation with a view to the good of the country generally. With regard to trade and commerce with other countries and trade and commerce between the Provinces themselves, your Lordships held in that case, that the law of one Province which imposes certain restrictions and certain obligations upon the people carrying on business of Life Insurance, was not *ultra vires*," and at page 81, Mr. Davey further says: "Granted that it is competent for the Dominion Legislature, if it thinks it necessary for the good order of the country, to pass a law such as that which was before you, for promoting temperance throughout the Dominion, how does that in any way interfere with the right of each Province to empower municipal bodies within its area to make regulations, in the nature of police regulations, for securing decency, order, sobriety and morality within their cities? I can conceive that the Dominion Legislature might pass an Act for the general good of the Dominion which might, to a certain extent, cover the same ground if that Act was *intra vires* and did not trench upon municipal institutions of the Province or on matters which were merely local. If it was a general Act within its competency, then of course the specific special regulations of the Province must be made subject to that general Act."

It will be seen therefore that the case of *Hodge vs. The Queen* does not settle the particular point in controversy and, when rightly understood, it is not at all inconsistent with a perfect validity of the Acts in question.

The most important sections of the earlier of the Statutes in question are Sections 3 and 84, which are in the words following: "83. No person shall sell, by wholesale or by retail, any liquors, without having first obtained a license under this Act authorizing him so to do. (2.) No person, unless duly licensed, shall, by any sign or notice, give the public cause to believe that he is so licensed, and the use of any sign or notice for any such purpose is hereby prohibited."

"84. No person shall keep or have in any house, building, shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any liquors for the purpose of selling, bartering or trading therein, unless duly licensed hereto under the provisions of this Act." If these sections be within the power of Parliament it is clear that all the other sections of the Statute of 1883, and the amendments thereto, are also within the power of Parliament. A most important means of regulating trade is by the licensing system. It having been determined that the Temperance Act of 1878, providing for local option throughout the Dominion, was within the competence of Parliament, it is impossible to escape the conclusion that these Statutes are also within the power of Parliament as regulations of trade. The questions, as dealt with in these Statutes, are so intimately bound up with the question dealt with in the Statute of 1878, as to be inseparable from them.

Parliament has determined that this trade throughout the whole Dominion should be regulated by one uniform system of law, and it is submitted that it would be impossible to carry out this design of Parliament, except under such a system of administration as that provided for in these Statutes. Take, for instance, the policy to the number of licenses which should be allowed to be issued throughout the whole Dominion.

It is submitted that Canada, as a whole, was greatly interested in that part of its trade known as the liquor traffic. Parliament determined that there should be but one system of administration, as applied to the licensing system, throughout the whole of Canada, instead of being, as there might be, eight separate systems.

Under the British North America Act it was intended that, so far as possible, the law of Canada respecting trade questions, should be the same throughout its whole extent. Then Parliament also thought the proper regulation of the trade required that it should be entirely severed from municipal control. As also suggested, it has never been contended that the wholesale liquor trade was not within the control of Parliament.

It is submitted that without the retail trade there could be no wholesale trade, the latter being fed by the former. It was therefore important that Parliament should exercise its controlling and regulating power over both branches of the trade.

The proper regulation of the wholesale trade made it important that Parliament should also regulate the retail trade, in order that one policy might control the whole trade, retail as well as wholesale. As a matter of trade, those engaged in the manufacture of liquors in one Province have a very great interest in the administration of the liquor laws in every other Province.

It is submitted that where Parliament has determined that it was necessary, in the interests of trade generally, to take under the control of Parliament the retail trade in liquors, no court can hold that Parliament had not power to do so.

It is submitted that it cannot be successfully argued that there is an inherent connection between municipal institutions and the liquor traffic; and that the power of the Legislature to make laws, under the head of municipal institutions, only arises where Parliament has not regulated the trade. Certainly there is no more inherent connection between municipal institutions and the liquor traffic than between municipal institutions and the hardware trade. It is further submitted that clauses 79 and 80 of these Statutes, respecting adulteration of liquors, show that it is in the highest degree reasonable that the Imperial Parliament must have intended the liquor traffic, both retail and wholesale, to be within the control of Parliament.

It is submitted that no Provincial Legislature could enact sections 79 and 80 respecting the adulteration of liquors, because these, in fact, are criminal laws, and so would not be within the control of the Legislature. It is submitted, also, that sections 68 and 69 illustrate the same point.

It is further submitted that the regulation of the hotel system throughout the whole of Canada is not a matter of a merely local or private nature, but that the whole travelling public throughout the Dominion are greatly interested in the proper regulation of the hotel system, and that it ought not to be left to merely local or municipal control.

It is submitted there can be no pretence for saying that classes 4 and 5, in section 7, of the Act of 1883, as amended, are within the jurisdiction of the Legislature. The several portions of this trade, which are described in the various classes of license set out in section 7, constitutes one entire trade.

It is submitted that the jurisdiction of Parliament extends to every portion of that trade which Parliament chooses to regulate.

It is submitted that Parliament had, under its general power to make laws for the peace, order and good government of Canada, perfect jurisdiction to enact every portion of the statutes in question. In *Russell vs. The Queen*, drunkenness is spoken of as a national vice, which grew out of the trade in question. Parliament desired to enact a system of laws to control and regulate this traffic, so as to restrain the national vice. All Canada was interested in this subject, as it extended to every part of the Dominion.

It cannot be, therefore, argued that it was a matter of mere local or private nature in a Province. Parliament has provided for limiting the number of licenses amongst other things. Surely it cannot be argued successfully that if Parliament thought this limitation necessary, in the interest of public morality, it had not the power so to limit.

Parliament thought that it was important to the peace, order and good government of Canada that only persons of a certain character should be enabled to carry on the trade, and it has provided a system of laws and administration whereby only those of the community fit to be entrusted with the sale of liquors should be enabled so to sell.

It has provided, in the various portions of Canada, a tribunal specially constituted to determine this particular matter. It is submitted, with great confidence, that all these are very important matters in the making of laws for the peace, order and good government of Canada. Then, these Acts have, in the most careful manner provided for the revenue laws of the Province. See section 7, sub-section 2.



It is submitted that looking at these Statutes, it was intended by them that whatever further regulations might be thought necessary in the various municipalities, with a view to local police, should still be made, if not inconsistent with any provision of the statutes in question, and there are various provisions in the Act which seem to point to the exercise of certain police powers by the local municipalities.

It is submitted that if sections 83 and 84, already referred to, be within the power of Parliament, all the other sections are within the power of Parliament. The first 41 sections of the statute of 1883 constitute the machinery whereby the Board of License Inspectors exist, and for the proper regulating of their proceedings, leading up to the granting of licenses. Then, section 42 provides for the limitation of the number of hotel and saloon licenses, and with a view to meeting the local wants; where the general limitation would not suffice, provision is made in this respect for particular parts of the country.

Section 43 deals with the matter of shop licenses, and section 44 confers upon the municipalities, cities, towns and villages, power still further to limit the number of licenses.

Section 47, as amended, provides for the non-issue of licenses in certain localities, upon the votes of certain majority of the electors, desiring that no licenses shall be issued within those districts.

Section 49 deals with the transfer of licenses. Sections 52, 53, 54 and 55 provide for certain matters of detail, not important to be discussed.

Sections 56 and 57 provide for the constitution of a license fund.

Section 58 provides the machinery for the revocation of licenses in certain cases, and sections 59, 60, 61, 62 to 66, inclusive, provide for certain matters not important to be considered here.

Section 67 is important as containing provision for punishing, criminally, those engaged in the trade who refuse to carry out the duties incumbent upon them.

Sections 68 to 78 contain provision as to the way in which the trade is to be carried on.

Sections 79 and 80 have already been observed upon. Sections 81 and 82 deal with matters of detail only. Section 85 exempts brewers and distillers from a portion of this law.

Section 86 also exempts chemists who are registered under the Pharmacy Act of Canada or any similar Act in force in any other Province.

Section 87 deals with matters of detail, unimportant to be discussed here.

Sections 88 to 140 deal with the punishment of offences against the Act and the procedure incident to the prosecution of these offences, which are clearly within the power of Parliament, if the general subject be within its grasp.

The remaining sections of the statute deal with pre-existing laws.

The Act of 1884 makes a few amendments, but is in no constitutional sense different from the terms of the original Act. It is submitted that, also, under the criminal law of Canada, Parliament had complete jurisdiction to deal with this particular subject.

It is also submitted that, inasmuch as it has been settled that the prohibitory liquor law must be passed by Parliament, any law restraining the liquor traffic in any degree must also be passed by Parliament.

JAMES BETHUNE, *Counsel for the Attorney-General of Canada.*

## IN THE SUPREME COURT OF CANADA.

TUESDAY, 23rd September, 1884.

To the question firstly above set forth answer is made on behalf of the Province of Ontario, that the said Acts are not within the legislative authority of the Parliament of Canada, for the following reasons:—

1. The subject matters of the Acts in question (46 Vic., c. 30, and 47 Vic., c. 32) do not come within any of the matters covered by section 91 of the British North

America Act, 1867, but fall within section 92 of the British North America Act, notwithstanding anything in the aforesaid section 91 contained.

*L'Union St. Jacques vs. Belle Isle*, L. R. 6, P. C. 31; 1 Cartwright's cases, 68.

*Dow vs. Black*, L. R. 6, P. C. 272; 1 Cartwright's cases, 95.

*Attorney General vs. Queen Insurance Co.*, L. R. 3 App.: case 1090; 1 Cartwright's cases, 117.

*Valis vs. Langlois*, L. R. 5, App. case 115; 1 Cartwright's cases, 158.

*Cushing vs. Dupuy*, L. R. 5, App. case 409; 1 Cartwright's cases, 252.

*The Citizen's Co. vs. Parsons*, L. R. 8, App. case 96; 4 C. S. K. 215; 1 Cartwright's cases, 265.

*Severn vs. the Queen*, 2 C. S. R. 70; 1 Cartwright's cases, 414.

*Reg. vs. Taylor*, 36 U. C. R., 218.

*Russell vs. The Queen*, 7 App. case, 829; 2 Cartwright's cases, 12.

*City of Fredericton vs. The Queen*, 3 C. S. R., 505; 3 Pugs. and B., 139; 2 Cartwright's cases, 27.

*The Queen vs. Robertson*, 6 C. S. R. 52; 2 Cartwright's cases, 65.

*Hodge vs. The Queen*, L. R. 9, App. case, and the authorities cited in the above cases respectively.

2. That the court of ultimate appellate jurisdiction has determined that an Act passed by a Legislature of the Provinces, upon subject matters in character and scope similar to and attaining the same ends generally as the subject matters and character of the said Acts of the Parliament of Canada (46 Vic., c. 30 and 47 Vic., c. 32) is within the legislative power of the said Provincial Legislature, as regulations in the nature of police or municipal regulations of a merely local character, for the good government of taverns, shops, &c., licensed for the sale of liquors, and such as are calculated to preserve, in the municipalities, peace and public decency, and repress drunkenness and disorderly and riotous conduct, which said Provincial Act cannot be said to interfere with the general regulation of trade and commerce, which belongs to the Dominion Parliament.

*In re Slavin and Orilla*, 36 U. C. R., 159; 1 Cartwright's cases, 688.

*Reg. vs. Justices of Kings*, 2 Pugsley, 535; 2 Cartwright's cases, 499.

*Severn vs. The Queen*, 2 c. s. c. 70; 1 Cartwright's cases, 414.

*Hodge vs. The Queen*, I. R. 9, Appeal cases.

3. That in order to ascertain to which Legislature under the B. N. A. Act the class of subject to which legislation in the particular instance under discussion really belongs, it is necessary to determine the true nature and character of the said legislation;

And in the particular instance now under discussion (the Acts 46 Vic., c. 30 and 47 Vic., c. 32) no interpretation can be given of the recital (in the first and principal Act) except that the reasons and motives therein alleged for passing the same are not matters with which the Dominion Parliament can deal, thus:

(a.) "That it is desirable to regulate the traffic in the sale of intoxicating liquors."

But the Judicial Committee of the Privy Council has decided that this power of regulating is incident to the power to make laws relating to municipal institutions by Provincial Legislatures; and as this power is exclusive and not concurrent, the desirability of regulating the traffic cannot warrant the regulation by a Dominion Act.

(b.) "That it is expedient that the law respecting the sale should be uniform throughout the Dominion."

But the expediency of the law being uniform throughout the Dominion on an subject which is otherwise within the exclusive jurisdiction of the Provincial Legislatures, does not give jurisdiction to the Federal Parliament to create uniformity.

(c.) "That it is expedient that provision should be made in regard to the traffic in the sale of intoxicating liquors, for the better preservation of peace and order."



The 91st section of the B.N.A. Act empowers the Federal Parliament to make laws for the peace, order and good government of Canada, in relation to all matters not coming within the classes of subjects (by this Act) assigned "exclusively to the Legislatures of the Provinces;" and by a judgment of the Judicial Committee of the Privy Council it has been decided that an Act of the Legislature of Ontario, covering the same ground as set forth in the above extract, does come within certain of those classes (in the 92nd section) in relation to which Provincial Legislatures "may exclusively make laws," and that such legislation does not conflict with any powers vested in the Dominion Parliament.

Therefore, by the said extracts from the recital, marked *a*, *b* and *c*, which recital fully covers the whole scope of the said Acts (46 Vic., c. 30 and 47 Vic., c. 32) it will be seen that the true nature and character of the said legislation belongs to the Provincial Legislatures, and not to the Dominion Parliament.

*Hodge vs. The Queen*, L. K., 9 App. cases.

*Severn vs. The Queen*, 2 C. S. K., 70; 1 Cartwright's cases, 414.

*In re Slavin and Orillia*, 36 U. C. R., 159; 1 Cartwright's cases, 688.

*Poulin vs. Corporation of Quebec*, 7 Q. L. R., 337.

*Blouin vs. Corporation of Quebec*, 7 Q. L. R., 18; 2 Cartwright's cases, 368.

*Corporation of Three Rivers vs. Sulte*, 5 Legal News; 2 Cartwright's cases, 280.

*Keefe vs. McLennan*, 2 Russell and Chesley 5; 2 Cartwright's cases, 400.

*Reg. vs. Justices of King's*, 2 Regs., 535; 2 Cartwright's cases, 499.

4. That the subject matters and character of the legislation contained in the said Acts of Parliament of Canada (46 Vic., c. 30 and 47 Vic., c. 32) do not relate to the regulation of trade and commerce.

*Citizens vs. Parsons*, at p. 277 of 1 Cartwright's cases.

*Per Henry, J.*, 4 L. C. R., 287; 1 Cartwright's cases, 314.

*Per Taschereaux, J.*, 4 S. C. R., 298 to 300; 1 Cartwright's cases, 320 to 322.

*Reg. vs. Chandler*, 1 Hannay, 556; 2 Cartwright's cases, 421.

*Ex. P. Jardine*, 16 Law Times, 301, 4th January, 1851.

*City of Fredericton vs. Queen*, 3 S. C. R., at page 535; 2 Cartwright's cases, 34.

*Per Henry, J.*, 3 S. C. R., 552; 2 Cartwright's cases, 47.

*In re Clelland*, L. R., 2 ch. 445.

*Potts' Law Dictionary Bankrupt*, page 45.

*Hawkey vs. Jones*, Cowper, 752. *Comyn's Dig. Bankrupt* C. B. Bacon Abr. Bankrupt. *A. Saunderson vs. Rowles*, 4 Burrow, 20, 64.

*Ex. P. Nutt*, 1 A. H., 102.

*Harman vs. Clarkson*, 22 U. C. S., 291.

*Doria on Bankruptcy*, 114 and 126. *Heane vs. Rogers*, 9 B. and C., 578. *Ex. P. Gibbs*, 2 Rose, 38.

*Bump. on Bankruptcy*, ed. of 1877, page 423.

*Heany vs. Birch*, 3 Campb. 233. *Gibson vs. Thompson*, 3 Keble, 415.

To the question secondly above set forth, answer is made, on behalf of the Province of Ontario, that no part of the said Acts (46 Vic., c. 30 and 47 Vic., c. 32) is separable from the plan, scope and character of the said Acts, so that any part or parts thereof can be brought within the legislative authority of the Parliament of Canada, for the reasons in answer to the first question of this case as above set forth.

ÆMILIUS IRVING,

T. H. BLAKE,

WILLIAM JOHNSTON.

## IN THE SUPREME COURT OF CANADA.

*In the matter of the Questions submitted by Her Majesty's Privy Council of Canada to the Supreme Court of Canada, respecting the authority of the Parliament of Canada to pass the Act 46 Vic., cap. 30, and the Act amending the same.*

## FACTUM SUBMITTED ON BEHALF OF THE PROVINCE OF QUEBEC.

In the Session of the Dominion Parliament held in 1883, it passed an Act respecting the sale of intoxicating liquors and the issue of licenses therefor, known as 46 Vic., cap. 30 (Liquor License Act, 1883). This Act in effect divided the Dominion into a number of license districts, provided for the nomination and appointment of a board of license commissioners for each license district, and specified their power and functions; classified licenses as:—1. Hotel licenses; 2. Saloon licenses; 3. Shop licenses; 4. Vessel licenses; and 5. Wholesale licenses; and defined the several classes of licenses; provided procedure relative to application for and opposition to the granting of licenses, and established certain statutory conditions for the granting of licenses, which the board could not dispense with, although they might establish further restrictions than those provided; provided that municipal councils throughout the Dominion might by by-law still further limit the number of licenses to be granted, or might, by a vote of three-fifths, decline to have any licenses, and further provided the manner in which the vote was to be taken in such cases; provided for the transfer of licenses in certain cases; established the fees payable upon licenses, and organized a license fund, to be used for the payment of expenses relating to the issue of licenses, and the surplus, if any, to be handed to the various municipalities; provided for the issue of permits to sell for certain purposes where no license is granted; provided for the keeping of a register of licenses and for report to the Minister of Inland Revenue; regulated the conduct of licensees and established fines and penalties. Sections 79 and 80 prohibited adulteration of liquors; provided means for the discovery of such adulteration and established penalties. Sections 81 and 82 empowered inspectors and other officers to search premises, and provided means for carrying it out. Sections 83 to 93 prohibit the sale of intoxicating liquors without license, established further limitations on the right of licensees to sell and provided penalties for contravention. Sections 94 to 100, inclusive, contain provisions against bribery and fraud in relation to the obtaining of licenses, and against compounding offences, or preventing arrests or tampering with witnesses. The remainder of the Act is taken up by provisions relating to the prosecution of offenders and the forms of procedure in relation thereto, &c.

Doubts having arisen as to whether the said statute was wholly within or partially within, or wholly without, the legislative competence of the Dominion Parliament, provision was made (47 Vic., cap. Can.) for the solution of these questions by the judgment of the Supreme Court of Canada, or, in a certain event, by that of the Judicial Committee of the Privy Council upon a case stated. The present proceeding is in virtue of that statute.

In discussing the questions above stated, we remark that the whole Act, with the exception of a few sections, is taken up by provisions ordinarily found in license Acts tending to regulate and control, for purposes of public order, the traffic in intoxicating liquors. It is not in any sense an exercise of the power of Parliament relating to taxation, or regulation of traffic for revenue purposes. The excepted sections, to which reference will subsequently be made, relate to the sale of liquor on board inland vessels, and to certain provisions closely allied to criminal legislation.

The preamble sets forth the following reason for the passing of the Act: "Whereas it is desirable to regulate the traffic in the sale of intoxicating liquors, and it is expedient that the law respecting the same should be uniform throughout the Dominion, and that provision should be made in regard thereto for the better preservation of peace and order."

Previous to the passing of this Act the whole subject matter with which it purports to deal formed the subject of legislation in each of the Provincial Legislatures



It may be well at once to remark that if the Act in question is constitutional it completely supersedes all such provincial legislation, and renders any legislation by the Provinces, which goes beyond merely fixing the scale of fees which the Province may exact from persons holding shop, saloon, tavern, and other licenses of a similar character from the Dominion, perfectly impossible. This appears from an examination of the whole Act, and more particularly from the preamble above quoted and from the 83rd and following sections. The 83rd section is as follows: "No person shall sell, by wholesale or by retail, any liquors, without having first obtained a license under this Act authorizing him so to do." In order, as far as possible, to bring the Act into accord with sub-sec. 9 of sec. 92 of the B. N. A. Act, a clause of section 7 provides as follows: "But hotel, saloon and shop licenses, and such other of the licenses by this Act authorized to be issued, as to which a Provincial Legislature may impose a tax in order to the raising of a revenue, shall be subject to the payment of such duty as the Legislature of the Province, under the power conferred upon it by the ninth enumerated class of subjects in section nine-two of the British North America Act, 1867, may impose for the purpose of raising or in order to raise a revenue for provincial, local or municipal purposes." Also by section 146 the Act itself impliedly repeals local legislation affecting the subject after 1st of May, 1884. It is evident that the Federal Parliament, in passing the Act now in question, has interpreted sub-section 9 of B. N. A. Act to authorize the Local Legislatures to impose taxes on traffic in liquors, and such like things, but only for the purpose of raising a revenue, and that such power did not extend to the regulation of the traffic by limiting the number of persons to whom licenses should be granted, or by requiring the performance of any conditions for the traffic. That, in fact, the Local Legislature could interpose no obstacles in the way of any man who was ready to pay the required fee selling liquor when and where and how he liked. Some currency was supposed to be given to this view by a judgment rendered by the Privy Council in the case of *The Queen vs. Russell*, in which the constitutionality of the Scott Act (also a Federal enactment) was called in question; and indeed this judgment was referred to in Parliament as a practical condemnation of provincial restrictive legislation on the liquor traffic, and as rendering urgent Federal legislation on the subject. I shall have occasion below to say something on this pretention.

The question to be discussed is clearly defined, viz., whether the Local Legislature has the right to regulate the traffic in liquor, in a restrictive manner, by imposing conditions thereon, other than the mere payment of a license fee. Whether, in fact, the Legislatures have the right to provide such restrictions as may be thought necessary for the maintenance of public order, or whether all this must be left to Parliament. This must, as a matter of course, be decided by an interpretation of the different sections of the British North America Act, 1867, dividing the powers of legislation among the different legislative bodies created, particularly sections 91 and 92. At the outset of this study it will be convenient to adopt some special principle or rule of interpretation, and amongst others the following have their value:

Vattel says: "The reason of the law, or of the treaty, that is to say the motive which led to the making of it, and the object in contemplation at the time, is the most certain clue to lead us to the discovery of its true meaning, and great attention should be paid to this circumstance, whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty, or of applying it to a particular case," and he adds, "this rule, when once we certainly know the reason which alone has determined the will of the person speaking, we ought to interpret and apply his words in a manner suitable to that reason alone."

Vattel, ed. 1858, Book II, cap. 17, sec. 287 (256), page 255.

In this connection, it is convenient also to recall the *dictum* of Chief Justice Dorion, reported at page 389 of Cartwright's cases, than whom none can speak with greater authority on the purposes for which Confederation was adopted in its present form. "The B. N. A. Act, 1876, was passed for the very purpose of allowing each Province to regulate its own internal concerns—including civil rights—without inter-

ference on the part of the representatives of the other Provinces through the Dominion Parliament," &c., &c.

That the state of things existing in the confederated Provinces at the time of Confederation, and more particularly that which was recognized by law in all or most of the Provinces, is a useful guide to the interpretation of the meaning attached by the Imperial Parliament to indefinite expressions employed in the B. N. A. Act, 1867. See 5, Legal News, 10. 330; the cases of *Three Rivers vs Sulte*, also the remarks of Richardson, C. J., in *Reg. vs. the City of Fredericton* (page 118, Cartwright, and 3 Can. S., c. R., 505.

See Cooley, 4 ed., page 77, on the implied powers which the grant of a Constitution conveys.

Also, on same subject, Storey, sec. 426; also, Vattel, Book II, c. 17, sec. 285-6, which excludes the idea of mere verbal criticism when considering a Constitution.

Hagerty, C. J., said: "That in all these questions of *ultra vires*, it is the wisest course not to widen the discussion by considerations not necessarily involved in the decision of the point in controversy."

Lord Selborne, in *Reg. vs. Burah*, L. Q., 3 App. cases, 904, speaking of the legislative powers of the Council of India, said: "It has powers expressly limited by the Act of Imperial Parliament which created it and can do nothing beyond these limits; but, when acting within these limits, it is not in any sense an agent or delegate of the Imperial Parliament, but has, and was intended to have, plenary powers of legislation, as large and of the same nature as those of Parliament (Imperial) itself." See Spragge's, C. J., judgment, in *Hodge*, in Ont. App. Repts., page 251. See remarks of same judge on next page (252) about the intention to confer plenary power on the Local Legislatures with those enjoyed before.

See also Ramsay, J., in *Sulte's case*, page 287, Cartwright, where he says "A power specially granted to one Legislature will not be nullified by the fact that indirectly it affects a special power granted to the other Legislature." See Meredith, C. J., on the same subject, in *Blouin vs. the Corporation of Quebec*.

Vattel, at page 246 of the edition cited, par. 268, says: "In the interpretation of a treaty or of any other deed whatever, the question is to discover what the contracting parties have agreed upon, to determine precisely on any particular occasion what has been promised and accepted; that is to say, not only what one of the parties intended to promise, but also what the other must, reasonably and candidly, have supposed to be promised him, what has been sufficiently declared to him, and what must have influenced him in his acceptance."

And, he adds: "Every deed and every treaty, therefore, must be interpreted by certain fixed rules, calculated to determine its meaning, as naturally understood by the parties concerned at the time when the deed was drawn up and accepted."

Pomeroy, in his work on Constitutional Law, sec. 17 (Edition 1863), page 12:

"In discussing, therefore, the powers, capacities, incapacities, rights and duties of the Governmental agents, all appeals to general ideas of civil polity, all references to the analogies of other forms and other nations, from whom we may be supposed to have drawn some of our methods, all purely historical deductions are and must be constantly restrained and limited by the letter of the written instrument; on the other hand, this written instrument is so much one of enumeration rather than of description, is so much an expression of general grants of power rather than the embodiment, in a codified form, of minute detail, that an appeal to history, to the analogies of other political organizations and to fundamental ideas of civil polity, of justice and equity, is not entirely superseded—nay, is often absolutely necessary."

Again, in the succeeding paragraph, he says (sec. 18), speaking of the construction of such statutes:

"The most that can be said is, that as greater interests are involved which affect the State rather than the individual, all narrow and technical construction should, as far as possible, be avoided; the nature of the writing as an organic law should be allowed its full effect."

See also secs. 20 and 21, which follow.



Thus it will be seen that, in the interpretation of a Constitution like ours, the reasons for the Act, its history, the condition of matters which preceded its passage, including the rights of parties to be affected by it, breadth of construction and interpretation, all should combine, in the mind of court called to declare its scope and meaning.

So much for the general rules. Now, as respects special rules suggested by the Privy Council.

In the case of the Citizens Insurance Co. *vs.* Parsons, decided in the Privy Council (See Law Rep. House of Lords and Privy Council, Vol. 7, p. 109), in which the constitutionality of an Act of the Ontario Legislature was in question, their Lordships laid down as a guiding principle of interpretation the following rule: "The first question to be decided is, whether the Act impeached in the present appeal falls within any of the classes of subjects enumerated in section 92 and assigned exclusively to the Legislatures of the Provinces; for if it does not, it can be of no validity, and no other question would then arise. It is only when an Act of the Provincial Legislature *prima facie* falls within one of these classes of subjects that the further questions arise, viz., whether, notwithstanding this is so, the subject of the Act does or also fall within one of the enumerated classes of subjects in section 91, and whether the power of the Provincial Legislature is or is not thereby overborne." The application of these rules of interpretation to the case in hand is comparatively simple. If this statute fall within any of the classes of subjects enumerated in section 91, it was properly and legally passed, even although the enumeration of subjects in section 92 might also give the Provincial Legislatures jurisdiction. A'so, though not specifically enumerated in section 91, yet it may fall within the legislative scope of the Parliament of Canada; if section 92 does not give jurisdiction over the subject to the Local Legislatures, in virtue of the residuary power of legislation vested in the Parliament. But, on the other hand, if it fall under the classes of subjects enumerated in section 92, and not under any of these specifically enumerated in section 91, the Local Legislatures have exclusive jurisdiction and the Act is unconstitutional.

Taking up these different cases, it may be remarked:—1. That no one of the subjects specifically enumerated in section 91 could, by any stretch of interpretation, be held to authorize the legislation in question, unless it should be that which confers upon the Dominion Parliament the authority to regulate trade and commerce; but that this clause cannot apply to the subject matter of the present Act is sufficiently evident from the judgment of the Privy Council in the case of Parsons and Queen Insurance Co., above cited, in which their Lordships expressed themselves as follows:

"The words, 'regulation of trade and commerce,' in their unlimited sense, are sufficiently wide, if uncontrolled by the context and other parts of the Act, to include every regulation of trade, ranging from political arrangements in regard to trade with foreign Governments requiring the sanction of Parliament down to minute rules for regulating particular trades. But a consideration of the Act shows that the words were not used in this unlimited sense. In the first place, the collocation of s. 2 with classes of subjects of national and general concern affords an indication that regulations referring to general trade and commerce were in the mind of the Legislature when conferring the power on the Dominion Parliament. If the words had been intended to have the full scope of which, in their literal meaning, they are susceptible, the specific mention of several of the other classes of subjects enumerated in section 91 would have been unnecessary as: 15, Banking; 17, Weights and Measures; 18, Bills of Exchange and Promissory Notes; 19, Interest; and even 21, Bankruptcy and Insolvency.

"Regulations of trade and commerce may have been used in some such sense as the words 'regulation of trade' in the Act of Union between England and Scotland (7 Anne, cap. 11), and as these words have been used in other Acts of State, Article 1, of the Act of Union, enacted that all the subjects of the United Kingdom should have 'full freedom and intercourse of trade and navigation, to and from all places in the United Kingdom and the colonies; and Article VI enacted that all parts of the

United Kingdom, from and after the Union, should be under the same prohibitions restrictions and regulations of trade.' Parliament has at various times since the Union passed laws affecting and regulating specific trades in one part of the United Kingdom only without its being supposed that it thereby infringed the Articles of Union. Thus the Acts for *regulating the sale of intoxicating liquors* notoriously vary in the two kingdoms. So, with regard to Acts relating to bankruptcy and various other matters. Construing, therefore, the words 'regulation of trade and commerce' by the various aids to their interpretation above suggested, they would include political arrangements in regard to trade requiring the sanction of Parliament, regulation of trade in matters of interprovincial concern, and it may be they would include general regulation of trade affecting the whole Dominion. Their Lordships abstain, on the present occasion, from any attempt to define the limits of the authority of the Dominion Parliament in this direction. It is enough, for the decision of the present case, to say that in their view its authority to legislate for the regulation of trade and commerce does not comprehend the power to regulate by legislation the contract of a particular business or trade."

On this point much light may be thrown by a consultation of American authorities. The United States Constitution confers on the Congress the power to regulate trade and commerce with foreign countries and between the several States and with the Indians. It is true that this leaves the regulation of domestic trade within a State in the hands of the State Legislatures, and that the Dominion Parliament is given the power to regulate trade and commerce generally. Still, it would seem, in view of the reasons given in the case of *Parsons and the Queen*, that this distinction is more apparent than real; and that, in fact, the grant of power in each case is, for all practical purposes, the equivalent of the other. There is absolutely no conflict in the decisions in that country, that laws regulating the sale of liquors are no infringement of the authority of Congress to regulate trade and commerce; and also a host of cases decide that a State may even pass a prohibitory liquor law without its being obnoxious to that objection. Many American cases will be found below in other connections in which this point has been formally decided.

We here cite the opinions of two learned judges in the leading cases known as license tax cases, reported in the 5 Howard's Reports, Supreme Court, U.S.:

Page 577. *Thurlow vs. State Massachusetts*. Mr. Chief Justice Taney's opinion on license case: "But I do not understand the law of Massachusetts or Rhode Island as interfering with the trade of ardent spirits while the article remains a part of foreign commerce and is in the hands of the importer for sale, in the cask or vessel in which the laws of Congress authorize it to be imported. These State laws act altogether upon the retail or domestic traffic within their respective borders. They act upon the article after it has passed the line of foreign commerce, and become a part of the general mass of property in the State. These laws may indeed discourage imports and diminish the price which ardent spirits otherwise would bring. But, although a State is bound to receive and to permit the sale by the importer of any article of merchandise which Congress authorized to be imported, it is not bound to furnish a market for it nor to abstain from the passage of any law which it may deem necessary or advisable to guard the health or morals of its citizens, although such law may discourage importation or diminish the profits of the importer, or lessen the revenue of the general Government. And if any State deem the retail and internal traffic in ardent spirits injurious to its citizens and calculate to produce idleness, vice or debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic or from prohibiting it altogether if it thinks proper. Of the wisdom of this policy it is not my province or my purpose to speak. Upon that subject each State must decide for itself. I speak only of the restrictions which the Constitution and laws of the United States have imposed upon the States. And as these laws of Massachusetts and Rhode Island are not repugnant to the Constitution of the United States, and do not come in conflict with any law of Congress passed in pursuance of its authority



regulate commerce with foreign nations, and among the several States, there is no ground upon which court can declare them to be void."

Same work, page 588:

Mr. Justice McLean's opinion: "The License Acts of Massachusetts does not purport to be a regulation of commerce. They are essentially police laws. Enactments similar in principle are common to all the States. Since the adoption of its Constitution they have existed in Massachusetts. A great moral reform, which enlisted the judgments and excited the sympathies of the public, has given notoriety to this course of legislation and extended it lately beyond its former limit. And the question is now raised, whether the laws under consideration trench upon the power of Congress to regulate foreign commerce.

"These laws do not in terms prohibit the sale of foreign spirits, but they require a license to sell any quantity less than twenty-eight gallons. Under the decision of *Brown vs. Maryland*, it is admitted that the License Acts cannot operate upon the right of the importer to sell. But after the import shall have passed out of the hands of the importer, whether it remain in the original package or cask, or be broken up, it becomes mingled with other property in the State, and is subject to its laws. This is the predicament of the spirits in question.

"A license to sell an article, foreign or domestic, as a merchant or inn-keeper, or victualler, is a matter of police and of revenue within the power of a State. It is strictly an internal regulation, and cannot come in conflict—saving the rights of the importer to sell—of any power possessed by Congress. It is said to reduce the amount of importation by lessening the profits of the thing imported. The license is a charge upon the business or profession, and not a duty upon the thing sold. The same price is charged to every retailer of merchandise or spirits, at the same place, without regard to the amount sold. This charge is in advance of any sales. It would be difficult to show that such a regulation reduced the amount of imported goods. But if this were the effect of the license, would that make the Act unconstitutional?

"The acknowledged police power of a State extends often to the destruction of property. A nuisance may be abated. Everything prejudicial to the health or morals of a city may be removed. Merchandise from a port where a contagious disease prevails being liable to communicate the disease, may be excluded, and, in extreme cases, it may be thrown into the sea. This comes in direct conflict with the regulation of commerce; and yet no one doubts the local power. It is a power essential to self-preservation, and exists necessarily in every organized community. It is indeed the law of nature, and is possessed by man in his individual capacity. He may resist that which does him harm, whether he be assailed by an assassin or approached by poison. And it is the settled construction of every regulation of commerce that under the sanction of its general laws no person can introduce into a community malignant diseases, or anything which contaminates its morals or endangers its safety. And this is an acknowledged principle, applicable to all general regulations. Individuals, in the enjoyment of their own rights, must be careful not to injure the rights of others. From the explosive nature of gunpowder, a city may exclude it. Now, this is an article of commerce, and is not known to carry infectious disease; yet, to guard against a contingent injury, a city may prohibit its introduction. These exceptions are always implied in commercial regulations where the general Government is admitted to have the exclusive power. They are not regulations of commerce, but acts of self-preservation. And although they affect commerce to some extent, yet such effect is the result of the exercise of an undoubted power in the State."

The following cases hold that a prohibitory law does not interfere with the vested rights of a person who owned intoxicating liquors at the time of its enactment, nor interfere with the right of Congress to regulate commerce:—*State vs. Almond*, 2 Houst (Del.) 612; *State vs. Paul*, 5 R. I. 185; *State vs. Keeran*, Id. 498; *Lincoln vs. Smith*, 27 Vt. 328; *Gill vs. Parker*, 31 Id. 610; *State vs. Court of Common Pleas, &c.*, 7 Vroom (N.J.) 72; *Fisher vs. McGirr*, 1 Gray (Mass) 1; *Commonwealth*

*vs. Huber*, 12 Id. 29; *Commonwealth vs. Logan*, 12 Id. 136; *People vs. Hawley*, Mich. 330; *People vs. Gallaher*, 4 Id. 244; *Our House No. 2 vs. State*, 4 Green 172; *Santo vs. State*, 2 Iowa 165; *State vs. Bartemeyer*, 31 Id. 601; *State vs. Wheeler*, 2 Conn. 290.

But it is claimed that power to pass the Act in question belongs to the Dominion jurisdiction, in virtue of the general power which Parliament has to make laws for the peace, order and good government of Canada, in relation to all matters not coming within the classes of subjects assigned to the Legislatures.

This provision of section 91 has been supposed to have more or less the effect of a specific enumeration, and to convey to the Dominion Legislature what may be termed as the police power of the State, somewhat closely allied to though clearly distinguishable from true criminal law. This view has, we think, very erroneously been supposed to be supported by the judgment of their Lordships in the case of *Russell vs. Regina*. Their Lordships, in that case, although they stated that the Act then in question was allied to criminal law, did not in any measure rest the authority of the Dominion Parliament to pass it on its acknowledged jurisdiction over criminal law, but solely on the "peace, order and good government" clause. It is true that some expressions in their Lordships' opinion seemed to attach special importance to the consideration that the Act in question was directed towards the suppression of disorder, but a complete consideration of the opinion leads to the conclusion that their Lordships had in mind not so much any particular class of legislation as the general residuary power of the Dominion Parliament. This view is greatly strengthened by a remark of their Lordships in *Hodge vs. The Queen*, in which they expressly attribute to the Local Legislatures the power to make police regulations. From the position and context of the clause in section 91, it seems to us that, without doubt, the only scope of the clause in question is to give the Dominion Parliament jurisdiction over matters not enumerated in section 92 as belonging to the Local Legislatures. All laws are made for the peace, order and good government of a country, and that the expression would logically include all the classes subsequently enumerated, and this alone would be sufficient to lead to the belief that no special class of subject was intended to be denoted by the expression "peace, order and good government." If, indeed, by this clause it were intended to give jurisdiction to the Dominion Parliament over all subjects relating to the exercise of any trade or calling, or the use of any property, the regulation and restraining of which is deemed necessary for the promotion of public order, a very large number of subjects over which the Provinces have, ever since Confederation, exercised unquestioned jurisdiction, would have to be transferred to the jurisdiction of Parliament. This point will be noticed below in another connection. Finding, then, that the subject matter of the Act now under discussion does not fall within any of the specific enumerations of section 91, we turn to consider whether it can be collocated within any of those of section 92.

Under the rule already laid down, it is clear that the residuary power of legislation cannot absorb or comprehend anything which, either in virtue of the specific enumeration of section 92 or of the general clause relative to local matters within the Province, properly forms the subject of legislation by the Provinces. The question then remains: Does the subject matter of the Act in question properly fall within any of the classes of subjects enumerated in section 92, or is it one of those matters of a local character that belong to the Provincial Legislatures, without enumeration? To this question we answer: 1st. The subject matter of the statute is without doubt comprised under sub-sections 8 and 15, municipal institutions and penalties, of section 92. 2nd. It is also comprised in sub-sections 9 and 15 (license and penalties) of the same section. 3rd. It is submitted, with some hesitation, in view of the remarks of their Lordships in *Russell vs. The Queen*, that the subject may also be fairly included under sub-sections 13 and 15, property and civil rights, and, 4th. Even if not authorized under the foregoing sections, it is sufficiently covered by sub-section 16, which confers upon the Local Legislature authority to legislate on all matters of a merely local or private nature in the Province.



Taking up, 1st, sub-section 8, which is in the following language: "Municipal institutions in the Province," it will be proper to inquire what was the extent of the grant given under that designation. How are we to arrive at the intention of the Parliament in using the words "municipal institutions?" Does it mean only the creation and erection of municipalities, or does it include also the powers and functions of such municipalities. If the former, then there is nothing to prevent Parliament from absorbing nearly the whole legislation in relation to municipal matters. This, upon even cursory observation, is seen to be absurd. If, then, the powers and functions of municipalities are also included in the language used, it will remain only to inquire what were the powers and functions exercised under municipal authority at the date of the Confederation Act, with respect to the regulation of the traffic in intoxicating liquors?

Now, although this is an Imperial Act, and in consequence it might be pretended that the meaning of the expression in question should be governed by its import, with respect to such matters in the United Kingdom, yet in this case it must not be forgotten that the Act was passed at the suggestion of the different Provinces of the Confederation and for their government, and that, in fact, it was drafted and prepared by representatives of such Provinces, and it, therefore, can scarcely be doubted that the words must be interpreted according to their signification in the Provinces. But even if that were not so, we find that in Great Britain such matters have always been regulated by municipal or local authority, at least in so far as was necessary for providing proper restraints for the preservation of public order. It is true that the traffic was also licensed as a means of revenue by the general Government, but such licenses could only be granted to persons who held the justices' license, under the local system. (9 Geo. IV Imp., cap. 61, section 17). See also first section of said Act, which provides for the annual meeting of justices in each township to grant licenses, which section is as follows:

"An Act to regulate the granting of licenses to keepers of inns, alehouses, and victualling houses in England. Whereas it is expedient to reduce into one Act the laws relating to the licensing by justices of the peace, of persons keeping or being about to keep inns, alehouses and victualling houses, to sell excisable liquors by retail, to be drunk or consumed on the premises in that part of the United Kingdom called England. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that in every division of every county and riding and of every division of the county of Lincoln, and in every hundred of every county not being within any such division, and in every liberty division of every liberty county of a city, county of a town, city and town corporate in that part of the United Kingdom called England, there shall be annually holden a special session of the justices of the peace (to be called the general annual licensing meeting), for the purpose of granting licenses to persons keeping or being about to keep inns, alehouses and victualling houses, to sell excisable liquors by retail, to be drunk or consumed on the premises therein specified, and that such meetings shall be holden in the counties of Middlesex and Surrey within the first ten days of the month of March, and in every other county on some day between the twentieth day of August and the fourteenth day of September, inclusive; and that it shall be lawful for the justices acting in and for such county or place assembled at such meeting, or at any adjournment thereof, and not as hereinafter disqualified, from acting, to grant licenses for the purposes aforesaid to such persons as they, the said justices, shall, in execution of power herein contained, and in the exercise of their discretion, deem fit and proper."

Now, coming to the different Provinces which formed the Dominion at the date of Confederation, we find that in every one of them the whole subject was a matter of municipal control.

The legislation on this head, in the Province of Nova Scotia, shows clearly that the regulation of the traffic in intoxicating liquors was a matter confined to the

municipal authorities, in so far as the Province was organized under municipal government.

The Revised Statutes of Nova Scotia, 3rd Series, 1864, cap. 133, sec. 1st: "Any county may have the benefit of municipal government, and the desire of a county to be incorporated hereunder shall be ascertained and testified in manner following."

Here follow provisions for setting on foot municipal organization.

Sec. 66 of same chapter provides: "The powers and authority of the Council shall also extend to the following objects:—Sub-sec. xv: The enforcing of the due observance of the Lord's Day; the prevention of vice, drunkenness, profane swearing, obscene language, and any other species of immorality or indecency in the public streets and roads, and for preserving peace and good order in such streets and roads and in public places or taverns; for preventing the excessive beating or cruel treatment of animals; for preventing the sale of any intoxicating liquors to Indians, children, apprentices, or servants; for restraining and punishing all vagabonds, drunkards and beggars, and all persons found drunk or disorderly in any street, road or public highway in the county."

Sec. 69, same chapter: "All powers and authorities now vested by law in the grand jury and sessions, in special sessions, or in justices of the peace, to make by-laws, impose rates or assessments, appoint township or county officers, or make regulations for any county purpose whatever, after the incorporation of any municipality, shall be transferred to, vested in or exercised by the municipal council only."

Cap. 19 of the same Revised Statutes, relating to licenses for the sale of intoxicating liquors, contains the law which prevailed in Nova Scotia at the date of Confederation, with regard to the liquor traffic. It contains a great many provisions of a restrictive nature, relating to the traffic, and is an Act of the same general character as the Federal Act now under discussion. Sec. 1st of said Act provides as follows: "The sessions in each county, upon the recommendation of the grand jury, shall annually appoint as many clerks of the license as they may think fit, etc."

3rd Sec.—"Licenses may be granted by the sessions upon the recommendation of the grand jury, etc.; but such recommendations may be rejected in whole or partly by the sessions, who shall have power, from time to time, to determine the periods at which licenses for the sale of intoxicating liquors shall commence and expire, etc."

Since the date of Confederation the Province of Nova Scotia has continued to control the liquor traffic by means of municipal machinery, without any protest on the part of the Federal authority.

I refer to the Revised Statutes of Nova Scotia, 4th Series, cap. 57, sec. 1, also sec. 66, sub-sec. vi and xv.

By the 27 and 28 Vic., cap. 18, sec. 1, applying as well to Ontario as Quebec, it was provided as follows: "The municipal council of every county, city, town, township, parish or incorporated village in this Province, besides the powers at present conferred on it by law, shall have power at any time to pass a by-law for prohibiting the sale of intoxicating liquors and the issue of licenses therefor, within such county, city, town, township, parish or incorporated village, under authority, and for enforcement of this Act, and subject to the provisions and limitations thereby enacted.

"Sec. 3.—Any municipal council, when passing such by-laws, may order that the same be submitted for approval to the municipal electors of the municipality."

See also New Brunswick Acts, 11 Vic., cap. 61, sec. 59; 17 Vic., cap. 15, sec. 21; 22 Vic., cap. 8, sec. 74; 26 Vic., cap. 10, sec. 32; also 39 Vic., cap. 105, sec. 29.

With regard to the Province of Lower Canada, the law governing the matter, as it existed at the time of Confederation, is found in the Con. Stat. L. C., cap. 24 entitled: "The Lower Canada Consolidated Municipal Act." Section 26 of that Act is as follows: "Every county council may make and, from time to time, may amend or repeal a by-law, or by-laws, for all or any of the following purposes, that is to say:

Sub section 11.—"For prohibiting and preventing the sale of all spirituous, vinous, alcoholic and intoxicating liquors, or to permit such sale, subject to such limitations as they shall consider expedient."



Sub-section 12.—“For determining under what restrictions and conditions and in what manner the revenue inspector of the district shall grant licenses to shop-keepers, tavern-keepers or others to sell such liquors.”

Sub-section 13.—“For fixing the sum payable for each such license, but such sum shall in no case be less than the sum payable therefore on the first day of July, 1856.”

Sub-section 14.—“For the ordering and governing of all shop-keepers, tavern-keepers or other retailers of such liquors in whatever place they may be sold, in such manner as the council deems proper and expedient for the prevention of drunkenness.”

From the foregoing it is evident that, previous to Confederation, in the practice of all the Provinces which formed the Dominion at its inception, the regulation of the traffic in liquor was considered a matter for municipal control and supervision.

That the language, “municipal institutions,” cannot be confined to the mere erection of municipalities, is also evident from section 144 of the Constitutional Act, which gives that authority to the Lieutenant Governor by proclamation under the Great Seal.

But not only have these functions been exercised by the municipal organizations in the Provinces constituting Confederation, but also they properly fall under the designation of police regulations, which have, in almost all countries, but particularly in Great Britain and her colonies, as well as in the United States, been constantly carried into effect by means of the municipal organization.

Blackstone defines the public police and economy as the due regulation and domestic order of the Kingdom, whereby the inhabitants of a State, like members of a well-governed family, are bound to conform their general behavior to the rules of propriety, good neighborhood and good manners, and to be decent, industrious and inoffensive in their respective stations. 4 Bl. Com. 162.

Cooley Con. Lim. 3 Ed., No. 572, defines it as follows: “The police of a State, in a comprehensive sense, embraces its system of internal regulation, by which it is sought not only to preserve the public order and to prevent offences against the State, but also to establish, for the intercourse of citizen with citizen, those rules of good manners and good neighborhood which are calculated to prevent a conflict of rights and to secure to each the uninterrupted enjoyment of his own, so far as is reasonably consistent with a like enjoyment of rights by others.”

Commonwealth vs. Alger, 7 Cush. 84, Shaw, C. J.

Thorpe vs. Rutland, 27 Vermont 149, Redfield, C. J.

License cases, 5 How. 504.

License tax cases, 5 Wall 471.

In the American constitutional system the power to establish the ordinary regulations of police has been left with the individual States, and cannot be assumed by the national Government. United States vs. De Witt, 9 Wal. 41.

Dillon, on municipal corporations, sec. Ed., Vol. 1, No. 297: “The authority of municipalities to license, tax, restrain, or prohibit the traffic in or sale of intoxicating liquors is so differently conferred and so largely influenced by the general legislation and policy of the State on the subject, that the decisions relating to it are mostly of local application.

“298—Where there are general laws of the State respecting the sale of intoxicating liquors, a public corporation, in virtue of a general power, etc., to make all by-laws that may be necessary to preserve the peace, good order and internal police therein, is not authorized to pass an ordinance requiring a corporate license and punishing persons who sell such liquors without being thus licensed. In the absence, however, of controlling general legislation, power to a city to pass ‘in general every other by-law or regulation that shall appear to the city council requisite and necessary for the security, welfare or convenience of the city or for preserving peace, order and good government within the same,’ was held to authorize an ordinance to prevent shop-keepers, unless licensed by the city, from keeping spirituous liquors in their shops or in any adjacent room.”

21 Georgia Rep., pp. 80-86, Lumkin, J., said: "Under the general grant of power to pass all such ordinances as may seem necessary for the security, welfare, etc., of the city, the city authorities may cover all proper cases not provided for by the paramount authority of the State. All those ordinances regulating cemeteries, commons, markets, vehicles, fires, exhibitions, lamps, licenses, water-works, watch, police city taxes, city officers, health, nuisances, etc., are legitimate and proper."

Dillon, 303—"Our municipal corporations are usually invested with power to preserve the health and safety of the inhabitants. This is indeed one of the chief purposes of local government, and reasonable by-laws in relation thereto have always been sustained in England, as within the incidental authority of corporations to ordain.

\* \* \* "An ordinance of a city, prohibiting, under a penalty, any person, not duly licensed therefor by the city authorities, from removing or carrying through any of the streets of the city any house-dirt, refuse, offal or filth, is not improperly in restraint of trade, and is reasonable and valid."

Cooley's Constitutional Limitations, 3rd edition, page 531: "The Statutes which regulate or altogether prohibit the sale of intoxicating drinks as a beverage have also been, by some persons, supposed to conflict with the Federal constitution. Such of these, however, assume to regulate only and to prohibit sales by other persons than those who should be licensed by the public authorities, have not suggested any serious questions of constitutional power. They are but the ordinary police regulation, such as the State may make in respect to all classes of trade or employment. But those which undertake altogether to prohibit the manufacture and sale of intoxicating drinks as a beverage have been assailed as violating express provisions of the national constitution and, also, as subversive of fundamental rights, and therefore not within the grant of legislative power."

Van Hook v. Selma, 45 American Rep., p. 86:—"It seems well settled by authority that the power to license, if granted as a police power, must be exercised as a means of regulation only, and cannot be used as a source of revenue." *R. Co. v. Hoboken*, 41 N.J., 71; *Mayor v. R. Co.*, 32 U.S., 261: "The police power has been held to embrace the protection of the lives, health and property of the citizens, the maintenance of good order and quiet of the community, and the preservation of the public morals." *Beer Co. v. Massachusetts*, 97 U.S., 25; *Thorpe v. R. Co.*, 27 Vert. 149: "A license for regulation, therefore, in such a sum as may be reasonably necessary to promote these objects, in the district where the ordinance imposing it is designed to operate, may be construed to be the exercise of the police power, and not of the power of taxation." "We declare (Judge in Van Hook's case) the true rule to be in the case of useful trades and employments, and *a fortiori* in other cases, that as an exercise of police power merely, the amount exacted for a license, though designed for regulation and not for revenue, is not to be confined to the expense of issuing it, but that a reasonable compensation may be charged for the additional expense of municipal supervision over the particular business or vocation at the place where it is licensed."

*Beer Co. vs. Massachusetts*, 97 U. S., p. 28:—"The State may, in the exercise of its police power, subject the company to the same restraints in the use of its property as may be imposed upon natural persons." *Bartemeyer vs. Iowa*, 18 Wall 129; *Peik vs. Chicago & W. W. R. Co.*, 94 U. S. 164.

*States vs. Borough of Washington*, 43 Am. 404: "Municipal Councils have authority to impose reasonable additional restraints upon holders of licenses to sell liquors in the exercise of police power, such as the limitations relating to hour of closing." But it may be said that this power could not be intended to be conveyed under section 8, relating to municipal institutions, otherwise it would not have been mentioned in a modified form in sub-section 9, under the heading shop, saloon, tavern, auctioneer and other licenses, in order to the raising of a revenue for provincial, local or municipal purposes. Spragge, C. J., is reported in 7 Vol. (Nos. 4, 5 and 6) of Ont. Ap. Report, page 264, to have said that sub-section 9 is cumulative with sub-section 8 and is intended to authorize Provincial Legislation in relation to the licenses



enumerated for the purposes of raising revenue as well as for the regulation of police. This argument is, however, susceptible of several answers:

1. If a power clearly exist it is not to be destroyed by a presumption arising from the supposition of grammatical accuracy.

2. If, indeed, the power mentioned be conferred in sub-section 9, the controversy is ended, and it is not necessary to find it in sub-section 8. If, on the contrary, it be not in sub-section 9, then there is no conflict between the two sections.

3. In fixing the powers of the Parliament and of the Legislatures respectively, it was not possible to make an accurate logical division, nor was any such thing attempted, and this is evident from the most cursory survey of the two sections in question. In numerous instances the powers enumerated are found to overlap each other. Take, for example, "the regulation of trade and commerce." That clearly includes part of the power given in the following sub-section: "The raising of money by any mode or system of taxation," and, in fact, many of the items of of section 91 would undoubtedly fall, even without enumeration, under the general heading above mentioned. Thus, although the constitution of the United States does not give Congress the power specifically over navigation and shipping or banks and banking, etc., yet Congress exercises these powers under the general clause authorizing it to regulate trade and commerce. The power to license does not of itself carry the authority to raise a revenue by means of the license. Now section 9 conveys this power also. It is seen that all these enumerations are expressed in general language. No detail is ever attempted, nor is much accuracy of language apparent. The proper interpretation of section 9 would seem to be: 1. To give jurisdiction to license restrictively the several callings therein mentioned, and to add the additional power of raising a revenue by such licenses. Cooley's Constitutional Limitations, 3 Ed., No. 201: "A right to license an employment does not imply a right to charge a license fee therefor, with a view to revenue, unless such seems to be the manifest purpose of the power; but the authority of the corporation will be limited to such a charge for the license as will cover the necessary expenses of issuing it and the additional labor of officers and other expenses thereby imposed. A license is issued under the police power, but the exaction of a license fee, with a view to revenue, would be an exercise of the power of taxation, and the charter must plainly show an intent to confer that power, or the municipal corporation cannot assume it." This position is supported by the constant jurisprudence of the United States: *State vs. Roberts*, 11 Gill and J. 506; *Mays vs. Cincinnati*, 1 Ohio N.S. 268; *Cincinnati vs. Bryson*, 15 Ohio 625; *Bennett vs. Borough of Birmingham*, 31 Penn St. 15; *Commonwealth vs. Stodder*, 2 Cush. 562; *Mayor of New York vs. Second Avenue R. R. Co.*, 32 N. Y., 261. It seems clear, then, that the object of the words, etc., "in order to the raising of a revenue," in sub-section 9, is simply to add force to the power to license. But it is pretended that this provision is limitative of the general power to license. If this is the case it presents a constitutional anomaly, so far as regards the practice in any English-speaking country, at least, and here, perhaps, it would be well to bring into the question the consideration of sub-section 16 of section 19, which confers upon the Legislatures the power to legislate on all matters of local concern. We say, then, that to vest in the general Government the restrictive power of the license, and in the local the taxing power, is to reverse the constitutional practice which has always prevailed in Great Britain, the United States, and in this country as well. I refer again to Imp. Statute 9, Geo. IV, cap. 61, sec. 15, in which it is provided that no fees shall be exacted for a license, except the petty fees necessary to cover the cost and expenses of issuing it, and also to section 17 of the same Statute, by which it is provided that no Excise license (that is, a license granted by the general Government for the purposes of revenue) shall be granted to any person who does not hold the local justices' license issued for purposes of restriction.

See 5 Wal. (License tax cases), p. 470, in which it was held: 1st. That licenses under the Act of June 30, 1864, to provide internal revenue to support the Government, etc., conveyed to the licensee no authority to carry on the licensed business

within a State, and might be therefore constitutionally opposed by Congress. 2nd. The requirement of payment for such licenses is only a mode of imposing taxes on the licensed business, and the prohibition under penalties against carrying on the business without license is only a mode of enforcing the payment of such taxes. See also *United States vs. DeWitt*, 9 Wal., 43.

It will be seen, then, by the practice in times past, this licensing power, for purposes of regulation, has always been considered a matter of local import, so much so, that scarcely two municipalities could be found which have adopted precisely the same rules. Now, when we look at the Act in question, although it commences with a declaration, intended, no doubt, to furnish a pretext for legislation by the Parliament, that it is expedient to provide that the legislation on the subject shall be uniform throughout the Dominion, yet it does not, in effect, do what it professes to consider expedient, but still leaves the whole matter in the hands of the municipal organizations to enact an infinity of different provisions as they may see fit.

There is yet another consideration, viz., the weight to be given to contemporary interpretation. The British North America Act had been, at the date of the Statute now under consideration, in force for the period of seventeen years, and during all that time the Local Legislatures had taken charge of the whole licensing question. No question was ever raised as to the proper exercise of the power, in fact, no statesman ever doubted it, until the decision by the Privy Council in the case of *Russell vs. The Queen* was understood by some as favoring the jurisdiction of the Dominion authority in the matter.

We cite Maxwell on Statutes, p. 271, cap 11: "It is laid down that the best exposition of a Statute or any other document is that which it has received from contemporary authority: *Optimus interpres usus. Contemporanea expositi est optima et fortissima in lege*.....The meaning publicly given by contemporary or long professional usage is presumed to be the true one, even when the language is hardly doubtful."

We are aware that since Confederation the Dominion Parliament has passed several Acts, which assume to regulate by penalties, the use of property of certain kinds within the Dominion, particularly with regard to inspection, adulteration of food, drink, drugs and public health. These provisions, though they undoubtedly trench upon the power of police regulation, may possibly be justified under the trade and commerce clause, or, as seems more likely, they may be infringements of local jurisdiction. However, we only need to look into the local Statutes to find that they have continually exercised, ever since Confederation, the whole power included under above definitions, under the designation of police regulations.

It is submitted that the foregoing conclusively shows that the regulation of the traffic in intoxicating liquors is included in the enumeration, "municipal institutions;" that it was probably also incidentally intended to be covered by sub-section 9, relating to licenses; that in any event, it is a matter of local concern, and has always been so treated. We have not specially argued that the question is included under the designation, "property and civil rights," although its connection with that subject is very apparent.

The expression in sub-sec. 16, "generally all matters of a merely local or private nature in the commerce," must be considered first by the light of sub-sec. 29 of sec. 91, by which all the matters mentioned in the 29 preceding sub-sections are excluded from the category of things "local or private."

2. They do not mean local works or undertakings, because they are expressly enumerated in sub-sec. 10 of sec. 92; they must mean anything not enumerated, but of the class of subjects expressly enumerated, and as in all the other sub-sections every power is qualified with the words "in the Province, for provincial purposes," they must mean anything unenumerated, which, being provincial or less, is not included in the subjects enumerated in sec. 91.

Now if this be true, what form of expression could convey police power more completely, or leave the Legislature supreme in all matters of morals, or that contract by which every citizen, whilst assured of perfect freedom of action, must



nevertheless, enjoy that freedom in a way not to offend or injure his neighbors' enjoyment, i.e. as by engaging in the keeping of an article generally held to be prejudicial to health or morals (liquor) or opening his house to receive persons who wish to indulge in it, and thus prosecuting a calling held to be objectionable by the body of citizens.

We come, then, to the consideration of the case of *Russell vs. The Queen*, and it is undoubtedly true that some of the expressions made use of in the opinion of their Lordships in that case do, at first sight, seem to make against the position now assumed. But it must be borne in mind that every case, and also the opinions expressed in it, are to be considered with reference to the facts in issue. In that case the question had to do with the Canada Temperance Act, which was not an Act regulating the traffic in intoxicating liquors as a beverage, but one actually prohibiting such traffic. It is true that the Act was to be brought into force only by the vote of the several counties, and that it can be in force in some counties and not in others, but when in force, the law is identical in every place. It is, in fact, a general law applicable to the whole Dominion, and the same for the whole Dominion, only its application is suspended until certain formalities shall have been complied with in each county. Now, the Liquor License Act does not prohibit the traffic but only regulates and imposes certain restrictions supposed to be necessary for the preservation of order.

2. The Liquor License Act, notwithstanding that it is founded upon the consideration mentioned in the preamble, "that it is expedient that the law respecting the same should be uniform (the regulation of the liquor traffic) throughout the Dominion," is nevertheless essentially local in its provisions, and does not, in effect, attempt to secure uniformity. It creates certain license districts, and provides for a board of license commissioners (sec. 5). This board has authority, within certain limits, to prescribe the conditions necessary for obtaining a license, etc. (sec. 9). Also, the council of any municipality may prescribe conditions by by-law (sec. 27). Also, powers of municipal councils in Province of Quebec, as they existed at date of Confederation, preserved (sec. 45). It will, from these considerations, be evident that the law, as administered throughout the Dominion, would be far from uniform.

The holding in *Regina vs. Russell* (see Law Rep., H. L. and P. C. Vol. 7, p. 829) is as follows: "The Canada Temperance Act (1878), which, in effect, wherever throughout the Dominion it is put in force, uniformly prohibits the sale of intoxicating liquors, except in wholesale quantities or for certain specified purposes, regulates the traffic in the excepted cases, makes sale of liquor, in violation of the prohibitions and regulations contained in the Act, criminal offences, punishable by fine, and, for the third or subsequent offences, by imprisonment, is within the legislative competence of the Dominion Parliament."

The objects and scope of the Act are general, viz., to promote temperance by means of a uniform law throughout the Dominion. They relate to the peace, order and good government of Canada, and not to the class of subjects, "property and civil rights." Provision for the special application of the Act to particular places does not alter its character as general legislation.

In giving judgment in that case, their Lordships, among other things, observed: "Laws of this nature, designed for the promotion of public order, safety or morals, and which subject those who contravene them to criminal procedure and punishment, belong to the subject of public wrongs rather than to that of civil rights. They are of a nature which fall within the general authority of Parliament to make laws for the order and good government of Canada."

"What Parliament is dealing with in legislation of this kind is not a matter in relation to property and its rights, but one relating to public order and safety. That is the primary matter dealt with, and though incidentally the free use of things in which men may have property is interfered with, that incidental interference does not alter the character of the law."

Now we have above argued that laws relating to the regulation of liquor traffic come properly under the denomination of police regulations, and, as such, were, in

their character, municipal and local. The judgment above mentioned is confessedly based on the alleged residuary power of the Dominion to make laws for the peace, order and good government of Canada, and stress is laid upon the fact of its close relation to criminal law. Although at first sight, it might be supposed that their Lordships had interpreted the authority of the Dominion Parliament to make laws for the peace, order and good government of Canada so as to include the police regulations incident to the enjoyment of property. But that this was not their Lordships' intention is manifest from their judgment in the case of *Hodge vs. The Queen*, reported in the 7 Legal News, p. 18, in which case the constitutionality of the Liquor License Act of Ontario was in question. In that case the Appellant contended that the Legislature of Ontario had no power to pass any Act to regulate the liquor traffic.....and it was urged that the decision in *Russell vs. Regina* was conclusive; but their Lordships said, in rendering judgment sustaining the validity of the Act, "that the powers intended to be conferred by the Act in question, when properly understood, are to make regulations, in the nature of police or municipal regulations of a merely local character, for the good government of taverns, etc., licensed for the sale of liquors by retail, and such as are calculated to preserve in the locality peace and public decency, and repress drunkenness and disorderly and riotous conduct. As such they cannot be said to interfere with the general regulation of trade and commerce, which belongs to the Dominion Parliament. The subjects of legislation in the Ontario Act of 1877, sections 4 and 5, seem to come within the heads Nos. 8, 15 and 16, of section 92 of the British North America Act, 1867." I shall not enter into the consideration of the question as to whether these two decisions are consistent with each other, or as to whether the *obiter dicta* in the first are consistent with the judgment in the last, further than to say that in the last case their Lordships found that the regulation of the liquor traffic was a municipal institution, and, as such, under the control of the Local Governments. Whether the total prohibition of it for the same reason ought not to have been assigned to the Local Legislatures need not now be argued.

But is not the case of *Hodge vs. The Queen* decisive of the question now before the court? For this purpose it will be proper to compare the Ontario Liquor License Act, 1877, with the one now under consideration, and it is only necessary to say that the Acts are entirely similar. No distinction can be made between the two, so far as any question of jurisdiction of the two Legislatures is concerned. The Ontario Act is, it is true, a revenue Act, but it is also a regulative Act. Both Acts assume that the unrestricted sale of intoxicating liquors is injurious to the State. It may be said that the basis of each Act is that it is in the public interest that the sale of intoxicating liquors shall be restrained and supervised. All the other provisions are merely accessory to the principal end and the object of statute. *Hodge vs. The Queen* decided that the Ontario Legislature had the right to regulate the liquor traffic. The right to adopt the usual and reasonable means by which such regulation was effected would also form part of the power.

A question might arise with regard to wholesale licenses. In *The Queen vs. Taylor*, and also in *Severn vs. The Queen*, the Supreme Court of Canada held licenses imposed by the Local Legislature on brewers to be void, but it must be remembered that these were licenses for revenue, and not for regulation, and the holding of the Supreme Court in those cases was that sub-section 9 of section 92, authorizing the Local Legislature to impose licenses for revenue on shop, saloon, tavern, auctioneer and other licenses, did not give authority to impose such licenses on brewers; that the words *other licenses* were to be interpreted as referring to other licenses *ejusdem generis*. These cases did not hold that if it were deemed necessary to license such establishments for police regulation only, that this would be beyond the local competence. I think the argument above made will show that no distinction can be made between the retail and wholesale trade, so far as licenses for regulation are concerned; and, as above stated, the Act now under discussion is completely of a restrictive and no revenue producing character.



In conclusion, we respectfully submit, for the consideration of the Court, that the following conclusions are justified by a careful reading of the B. N. A. Act, 1867, and of the Liquor License Act of 1883, and the Act amending it.

In legislating respecting the traffic in liquor, its manufacture within the country or its importation from abroad, it is necessary to distinguish between the wholesale and retail trade; that whatever may or can be said respecting the control of the wholesale trade, and of its manufacture or importation being within the competence of the Dominion Parliament, the retail trade, the licensing of persons wishing to engage in it and the general legislation of the traffic, is a municipal institution or a matter of local control, of the nature of a police regulation, and we would further respectfully submit the following propositions of law:

1st. That the Dominion Parliament can prohibit the importation of liquor into Canada.

2nd. That the Dominion Parliament can prohibit its manufacture within the country.

3rd. That the Dominion Parliament can exercise legislative control over the wholesale trade in liquor, so far as the second section of article 91 of the B. N. A. Act of 1867 would regard it as a matter of "trade and commerce."

That the Local Legislatures and the municipal organizations of the several Provinces have exclusive control of those who are to deal in it, after it passes from the hands of those who have imported it or manufactured it, and consequently, the exclusive right to license individuals to deal in it, the charging of a license fee for such permit, the prescribing of what qualifications they shall possess as individuals, or what local sanction they shall obtain.

That the right to prohibit, in any particular municipal corporation, the sale of liquor by retail is, under existing valid legislation, within the exclusive control of the municipal councils and of the people comprising the municipal corporations by virtue of the authority conferred upon them by the legislation anterior to Confederation or passed by the Local Legislatures since that period.

That *per contra*, the Dominion Parliament has no authority to deal with the question of local prohibition or to revoke or supplant provincial legislation on the subject.

That the legislation of the Liquor License Act of 1883, so far as the same deals with the sale of liquors on vessels when on waters, under the control of the Dominion, and with the questions of fraud and bribery are the only parts of these Acts respecting which any strong grounds can be urged as showing that they are within Dominion parliamentary control; but the undersigned respectfully submit that in the distribution of legislative power under the B. N. A. Act of 1867, it was not intended to make any distinctions as to the exercise of police power in regard to the liquor traffic upon the rivers of the Dominion, as *contra*-distinguished from its regulation on land, nor to confer the power upon the Dominion Parliament, to declare an act done in violation of an Act over which they had not legislative authority a misdemeanor.

But considering that over these two matters there is more or less ground for regarding the Act as *intra vires*, the undersigned respectfully submits that, upon all other matters, the Act itself and the amending Act are wholly *ultra vires* of the authority of the Dominion Parliament and unconstitutional.

## IN THE SUPREME COURT OF CANADA.

### THE DOMINION LIQUOR LICENSE ACTS.

### FACTUM FOR THE PROVINCE OF BRITISH COLUMBIA.

The following questions are referred by His Excellency the Governor General in Council to the Supreme Court of Canada for hearing and determination, in pursuance of the provisions of the 26th section of 47 Victoria, chapter 32, intituled: "An Act to amend the Liquor License Act, 1883."

1. Question. Are the following Acts in whole or in part within the legislative authority of the Parliament of Canada, namely:—

I. "The Liquor License Act, 1883."

II. "An Act to amend the Liquor License Act, 1883?"

2. Question. If the court is of opinion that a part or parts only of the said Act are within the legislative authority of the Parliament of Canada, what part or part of the said Acts are so within such legislative authority?

The answer to these questions depend upon the true construction of sections 91 and 92 of the British North America Act. If the Liquor License Acts are *intra vires* the Dominion Parliament, it is by virtue of section 91, which enacts that:—

"It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so to restrict the generality of the foregoing terms of this section it is hereby declared that (notwithstanding anything in this Act) the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say": (*inter alia*).

"2. The regulation of trade and commerce.

"And any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the classes of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces."

If the Liquor License Acts are *ultra vires* the Dominion Parliament, it is because they fall within the authority of the Provincial Legislatures, under section 92, which enacts that:—

"In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say": (*inter alia*).

"8. Municipal institutions in the Province.

"9. Shop, saloon, tavern, auctioneer and other licenses, in order to the raising of a revenue for provincial, local or municipal purposes:

"13. Property and civil rights in the Province.

"15. The imposition of punishment by fine, penalty or imprisonment for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this section.

"16. Generally all matters of a merely local or private nature in the Province."

It is to be first observed that the subjects in respect of which the Dominion has the right to legislate are of a national character; such as are proper to be considered by all the people, instead of by a part only. They are such as would affect the Dominion generally and not merely a province, and regarding which it would be highly desirable to have uniformity of law.

In *Leprohon vs. City of Ottawa* (2 Ont. App., at p. 546), Burton, J. A., says:—"The powers delegated to the Government of the United States, like those granted by the Imperial Legislature exclusively to the Dominion, concern, speaking generally, public functions and duties of a higher and more extensive order than the remaining powers which the people reserved to the States Governments. In other words, the people entrusted to the central authority the powers and functions which were deemed necessary for carrying on the Government of the Union, whilst those deemed appropriate for the carrying on the Government of the individual State were reserved to the State authorities.

The leading features of the Liquor License Act, 1883, are:—

1. The appointment by the Dominion Government of Boards of License Commissioners:

2. The limiting of the number of hotel, saloon and shop licenses:

3. Regulating the hotels, saloons and shops to be licensed:

4. Transfers of licenses:

5. Payment to the Dominion of ten dollars by an applicant for a license.



The Province contends such legislation to be beyond the scope of the powers of the Dominion Parliament. The subject matter if of purely local nature, and is not within the meaning of "the regulation of trade and commerce." The granting of licenses both before and since Confederation has, in British Columbia, depended upon the requirements and convenience of the public of the particular locality, and has been left to justices of the peace. The Colonial and Provincial laws of British Columbia have, in effect, made the granting of liquor licenses a matter of local opinion.—Vancouver Island Liquor License Act, 1861; the Licenses Ordinance, 1867; the Licenses Amendment Act, 1874; Municipality Act, 1872; Municipality Act, 1881.

The laws of the United Kingdom are not uniform with reference to the liquor traffic, although Article VI of the Act of Union enacted that all parts of the United Kingdom from and after the Union should be under the the same prohibitions, restrictions and regulations of trade. This is stated in *Citizens Insurance Company vs. Parsons* (L. R. 7 App. Ca. p. 112), where it is further stated:—"Parliament has at various times since the Union passed laws affecting and regulating specific trades in one part of the United Kingdom only, without its being supposed that it thereby infringed the articles of Union. Thus the Acts for regulating the sale of intoxicating liquors notoriously vary in the two Kingdoms. So with regard to Acts relating to bankruptcy and various other matters."

Construing therefore the words "regulation of trade and commerce" by the various aids to their interpretation above suggested, they would include political arrangements in regard to trade requiring the sanction of Parliament, regulation of trade in matters of inter-provincial concern, and it may be they would include general regulation of trade affecting the whole Dominion.

Local option in England is recognized by Imperial Statutes, 9 Geo. IV, c. 61; 32-33 Vic. c. 27; 35-36 Vic. c. 94; 37-38 Vic. c. 49; and in Scotland by 39-40 Vic. c. 26; 40-41 Vic. c. 3; and in Ireland by 35-36 Vic. c. 94; 37-38 Vic. c. 69; and 40-41 Vic. c. 4.

In *Severn vs. The Queen* (2 Can., S.C.R. 70) in which the question was whether under section 92, sub-sec. 9 shop, saloon, tavern and other licenses in order to the raising of a revenue for provincial, local or municipal purposes, the Provincial Legislature could require brewers to take out a license in respect of the manufacture of beer, it was never suggested that the regulation of the liquor traffic did not rest with the Provinces. Much of the language of the Judges points to an opposite conclusion. Richards, C. J., at page 92, says:—"In some of the Provinces a portion of the moneys from shop, saloon, and tavern licenses (and perhaps also auctioneers' licenses) formed part of the Provincial revenue. The mentioning of these by name shows that the power to legislate as to them was intended to be given to the Local Legislatures and thus to interfere with what would otherwise have been the exclusive right of the Dominion Parliament to legislate on the subject. These were matters in which the municipalities were peculiarly interested, and as to which the local authorities would be much more likely to work out the law in a satisfactory manner. In fact, as to the "other licenses" the Dominion Parliament would be meddling with parish business if they undertook to legislate about them. We can, therefore, see very good reasons why these licenses as to local and municipal matters should be under the control of the Local Legislatures, and equally good reasons why, as regards licenses for such matters as would be likely to affect trade and commerce and the revenue derivable from the excise and customs, these latter affecting great and paramount interests, no express power was given to the Local Legislatures."

Mr. Justice Ritchie, at page 99, says:—"I cannot think it was intended to confine the powers of the Local Legislature, for the raising of a revenue for provincial purposes, to licenses of a purely municipal character granted, most frequently, rather from a view to police regulations than for purposes of revenue; and which, when granted for the latter object, could hardly be supposed to be more than adequate for local and municipal purposes. I think the power given under sub-section 9, should be construed as intended to furnish the Local Legislature with the means

of raising a substantial revenue for provincial purposes, from all such licenses as at the time of Confederation were granted in the now Dominion, either by provincial or municipal authority."

Mr. Justice Strong, at page 105, says:—"It was also contended by counsel for the respondent, that under the words "Municipal Institutions in the Province," which constitute sub-section 9 of section 92, or under sub-section 16 of the same section, which gives legislative power in "all matters of a merely local or private nature in the Province," the Provincial Legislatures possess authority to legislate in exercise of what American authorities have conveniently termed the "Police Power," meaning a power to legislate, respecting ferries, markets, fares to be charged for vehicles left for hire, the regulation of the retail sale of spirits and liquors, and on a number of other cognate but indefinite subjects, which, in all countries where the English municipal system, or anything resembling it prevails have been generally regarded and dealt with as subjects of municipal regulation.

"Without expressing any opinion as to the soundness of this argument, I am of opinion that, even if it was entitled to prevail, it could not warrant the imposition of a license tax upon the manufacture or wholesale sale of beer, any more than it would authorize a similar tax upon any other manufacture or commerce by wholesale."

And Mr. Justice Taschereau, at page 115, says:—"But these words may, and must mean all matters and regulations of police, and the government of those saloons, taverns, auctioneers, &c., &c."

In the United States the regulation of the liquor traffic is regarded as of particularly local interest--(Cooley's Constitutional limitations, 6th Ed., p. 718).

There are no apt words in the British North America Act to deprive the Provinces of powers and rights usually held by local authorities, as contradistinguished from the rights and powers held by the paramount authority, while there is language in the sub-sections of section 92 showing that matters properly local are to continue with the Provinces. In a matter so important as the question under consideration, one would expect to find express words giving the right to the Dominion if it were intended the Provinces should not have it.

In other, but not more important matters, the subjects are expressly and in terms given to the Dominion, where it is intended the Dominion should have them, and it is only fair to infer that the framers of the Organic Act would have expressly mentioned the liquor traffic in section 91 if it had been intended that the power should rest with the Dominion. Can it be doubted that the consenting parties to the Act would have refused their consent had the words, "The regulation of the liquor traffic," been inserted as a sub-section to section 91? The united opinion of the Provinces originally forming the Union are against the construction contended for by the Dominion. Such a consensus of opinion is entitled to the greatest weight. They were, who agreed as to the powers which were to be granted to the Dominion, and in pursuance of which agreement such powers as the Dominion has were granted. By their protest against the legislation under discussion they, together with the Provinces subsequently united, show it was never intended to relegate the liquor traffic to the Dominion, that they thought that as it was a matter of peculiarly a local nature it should rest with them. The agreement of the parties to the construction of a contract should prevail, unless it is plainly repugnant to the express word employed. Although, in the debate in British Columbia upon Confederation, there were bitter opponents of the scheme, so far as that colony was concerned, no member suggested that the subject of the local liquor traffic would be swept away. Hon. Mr. Robson, who supported the union with Canada, expressly stated that if the colony was to become a Province of Canada, the people of British Columbia should have the right to manage their own local affairs as fully as every other Province had (British Columbia Gazette, March, 1870.)

At that time the other Provinces were in the enjoyment of the right of regulating the liquor traffic, and British Columbia entered the Union with a well grounded belief that this and other subjects of a local nature were exclusively within the power of the Local Legislature. It is not contended that the Provinces cannot legislate



to derive a revenue from licenses, yet this cannot be the case if the power is fettered by denying the Province the right of authorizing the sale of liquors. The limiting by the Dominion of the number of licenses must, of itself, deprive the Province of its revenues. It is very well to say: But you can raise the amount of the license fee. The answer is, that it is not every vendor who can pay a high license fee, and that we are deprived of the revenue which we might obtain from one who could pay a lower fee. Again, if the Dominion can limit the number of licenses, it can prohibit them altogether, and thus annihilate one provincial source of revenue. Every statute of Parliament which admittedly would infringe on provincial powers would, in some respect, be for the peace, order, or good government of Canada, or in some way affect trade or commerce; while, on the other hand, there are few subjects of provincial control, legislation in respect of which would not in some measure affect trade and commerce. Of the scores of powers granted to municipalities in British Columbia (No. 16, statutes 1881, section 104), there are few the exercise of which would not affect trade or commerce. The Parliament of Canada might as well contend that it could sweep all such powers into its own grasp.

In *re Slavin and Corporation of Orillia* (36 U. C. R., p. 159) is a direct authority that under "municipal institutions" and "matters of a merely local or private nature in the Province," a Provincial Legislature can confer on municipal corporations power to pass by-laws wholly prohibiting the sale of spirituous liquors in shops and places other than houses of public entertainment, and limiting the number of tavern licenses, and the conferring such power is not an interference with "the regulation of trade or commerce" assigned exclusively to the Dominion Parliament.

*Regina vs. Boardman* (30 U. C. R., p. 533) is a further authority for the provincial view. In that case it was held that the Province of Ontario rightly passed laws punishing by imprisonment any person who violated any of the provisions of the Act regulating tavern and shop licenses. So also is the case of *Hodge vs. The Queen* (L. R. 9, App. case 117). There the Liquor License Act of Ontario was under discussion. The statute dealt with the conditions and qualifications requisite to obtain tavern licenses. It also dealt with the limiting of the number of tavern and shop licenses, and otherwise for regulating them. It was contended that the Ontario assembly was not competent to pass the Act, and that it was only within the scope of the Parliament, as being within the regulation of trade and commerce. The Privy Council, however, held that the subject of legislation came within sub-sections 15 and 16 of section 92 of the British North America Act.

Nor can it be said that the power so to legislate is both in the Dominion and the Provinces. The aspect, scope and object of such legislation is identical, whether passed by the Dominion or the Provinces. Both, therefore, cannot have it. The sovereignty is in one power, and as the Privy Council has decided the Province has it, it follows the Dominion cannot have it in any of the Provinces.

In *Leprohon vs. City of Ottawa* (p. 547) Burton, J. A., contrasting the legislative and administrative powers of the Dominion with those of the Local Government, says: "Within their limits each is uncontrolled by the other;" and in *Citizen's Insurance Company vs. Parsons* (4 Can. S. C. R.), Taschereau, J., says, (at page 294): "It must be admitted that under the B. N. A. Act there can be no concurrent jurisdiction in the matter between the federal and local legislative authorities;" and at page 310 the same learned judge says: "The Federal Parliament cannot extend its own jurisdiction by a territorial extension of its laws, and legislate on subjects constitutionally provincial, by enacting them for the whole Dominion, as a Provincial Legislature cannot extend its jurisdiction over matters constitutionally federal by a territorial limitation of its laws, and legislate on matters left to the federal power, by enacting them for the Province only, as, for instance, incorporate a bank for the Province."

Assuming the regulation of the liquor traffic as a matter of police to be within the competence of the Provincial Legislatures, it follows that the authority cannot be with the Dominion by virtue of the power to make laws for the peace, order and good government of Canada, for that power is limited to all matters not coming

within the classes of subjects assigned exclusively to the Provinces; hence, it is unnecessary to discuss whether the provincial jurisdiction is overborne by the Dominion.

*Russell vs. The Queen* (L.R. 7, App. case 829) is readily distinguishable. The Canada Temperance Act, the statute under discussion in that case, does not infringe upon local self-government. On the contrary, the statute distinctly recognizes it. Except from an abstract point of view, no one would care to quarrel with an Act which did not practically interfere with local self-government. The Provinces, under their own constitution can pass restrictive laws—*Hodge vs. The Queen*—and it may well conceived the people of the various Provinces would not complain of a Dominion Statute which did not militate against self-government in local matters, but, if anything, confirmed it. Further, in *Russell vs. The Queen*, the effect of clause 8, section 92: "Municipal institutions in the Province," was not under discussion.

The people in the Province, and the officers entrusted with the management of their affairs, best know who are proper persons to conduct the liquor business, and how many licensed houses there should be. British Columbia is particularly unsuited to be governed by a uniform law for the Dominion.

Her vast extent of territory, a population in many parts unsettled, great distances between centres of population, the rapid rise of mining communities, the absence of easy means of transit, all combine to make such uniformity impracticable. But above and beyond this, the Province regards the law as an infringement upon its rights of self-government in local matters. It is not so much a question of the desirability of restricting the liquor traffic, that the Province itself can deal with, but it is a question whether the Province, as regards merely local or municipal matters, is to be governed by the Dominion. It is felt that if the Dominion succeeds in this, more may be successfully attempted. The Dominion may as well attempt to limit the number of shops in each particular branch of trade and the conditions under which the articles of trade shall be sold.

The imposition of a license fee (sections 16, 40 and 55) is in direct violation of the right of the Province under sub-section 9 of section 92 of the B. N. A. Act. The application of the fund also shows the unconstitutionality of the tax, because while the fund is raised within the Province, it is devoted for what are claimed to be Dominion purposes, viz., the payment, under regulations of the Governor in Council, of the salary and expenses of the commissioners and inspectors, and for the expenses of the office of the board, or otherwise incurred in carrying the provisions of the law into effect.

As to the second question propounded for the consideration of the court, it is to be observed that the whole scope of the legislation under discussion is the assumption by the Dominion Parliament of the right to regulate the liquor traffic in matters of municipal government, and it is hard to disassociate from that object provisions which, if standing alone and not enacted in furtherance of the avowed purpose, would admittedly be within the powers of the Dominion Parliament. Regarding such provisions as merely ancillary to the main scope of the legislation, it is contended that no part of the statutes is within the competence of the Dominion Parliament.

ALEX. E. B. DAVIE, *Attorney-General*.

VICTORIA, B. C., 8th September, 1884.

## THE SUPREME COURT OF CANADA.

SUPREME COURT, OTTAWA, 23rd September, 1884.

Present—His Lordship Sir William Ritchie, Chief Justice, and their Lordships Justices Strong, Henry, Fournier and Gwynne.

In the matter submitted under Order in Council, respecting the validity of "The Liquor License Act, 1883," and the Act amending the same.



## Counsel for the Provinces:—

A. Irving, Esq., Q.C., for Ontario.

S. H. Blake, Esq., Q.C. “

W. Johnston, Esq. “

Hon. L. R. Church, Q.C., for Quebec.

L. S. Archibald, Esq. “

G. F. Gregory, Esq., for New Brunswick and Nova Scotia.

Hon. A. E. B. Davie, for British Columbia.

## Counsel for the Dominion:—

James Bethune, Esq., Q.C., and

G. Burbidge, Esq., Deputy Minister of Justice.

Transcript from the shorthand notes of Messrs. Holland Bros., official reporters  
of the Senate of the Dominion of Canada.

OTTAWA, Tuesday, 23rd September, 1884.

*The Chief Justice.*—We are here to-day for the purpose of hearing the argument in the matter submitted to us under Order in Council, respecting the validity of the Dominion License Act. We are now ready to hear the arguments of the parties who impugn the validity of the Act.

*Mr. Bethune.*—I desire to make a slight amendment to the case, by stating the fact that the Lieutenant-Governors of the several Provinces have asked to become parties to the case, and we have written this at the foot of the case, in pursuance of the terms of the statute. The Act provides:—

“The Lieutenant-Governor of any of the Provinces may, with the consent of the Governor in Council, on behalf of the Province of which he is the Lieutenant-Governor, become a party to the said case; and in the event of any Province thus being a party thereto, it shall be entitled to be heard by counsel on the argument hereof; and all or any of the said Provinces may, with the like consent, become parties thereto.”

The Governors of Ontario, Quebec, Nova Scotia, New Brunswick and British Columbia have asked, and they are all represented, I believe, by counsel.

*The Chief Justice.*—The other Provinces have not?

*Mr. Bethune.*—No, my Lord.

*The Chief Justice.*—We will hear the counsel for Ontario.

*Mr. Irving.*—I appear with my learned friends Mr. Blake and Mr. Johnston on behalf of the Province of Ontario, but I would respectfully remark that if we, speaking for the Provinces, are called upon to open this case, as a matter of course some one on behalf of the Provinces would have a right to reply to the argument that may be put forward on behalf of the statute. I presume that it would be regular. I understood that the words which fell from your Lordship's lips were that the party attacking, if I may use that word, should begin. By the statutes that are before us—the Acts of 1883 and 1884—the converse of that, to my mind, is declared upon their face. In the first place, the statute of 1883 validates any statutes of the Provinces that are in force until that Act comes into effect, and then the second statute on its face explains that there are doubts as to the legality of these Dominion Acts, and that therefore no penalties shall be imposed under those Acts until the question has been disposed of which is now before your Lordships. I therefore would think that the present position is that the Provinces should not be called upon first.

*Strong, J.*—There is no doubt, if you do not wish to begin, Mr. Bethune will be happy to do so, if he has the right to reply.

*The Chief Justice.*—There is no doubt it is the privilege of the Provinces to open the case.

*Mr. Bethune.*—We thought it would be greatly to our advantage to be allowed to begin, but we thought it would be well not to establish the precedence.

*The Chief Justice.*—If the Provinces wish to give up their advantage, I presume it would be competent for this court to allow them to do so.

*Mr. Irving.*—As I understood your Lordship to say just now, that it would be the unquestionable right of the party opening the case to have a reply—

*The Chief Justice.*—Undoubtedly.

*Mr. Bethune.*—Should your Lordships hear more than one counsel for each Province? The usual rule is to hear only one counsel in reply.

*The Chief Justice.*—We will hear only one.

*Mr. Irving.*—The two Acts before us are 46 Vic., chap. 30, and 47 Vic., chap. 3, which together have one general name, as “The Dominion License Act, 1883,” and which probably we shall find convenient to speak of in that general way—the Dominion License Act of 1883. The scope and character of that Act is to be got at firstly by looking at the 83rd section. The preamble, upon which, I shall make some observations, after having spoken of one or two matters connected with the Act, is in these words:

“Whereas it is desirable to regulate the traffic in the sale of intoxicating liquors and it is expedient that the law respecting the same should be uniform throughout the Dominion, and that provision should be made in regard thereto for the better preservation of peace and order,” &c.

That recital is assumed to cover general enactments requiring the sale of intoxicating liquors to be made only by such persons as shall have taken out licenses to do so. The 83rd section says:

“No person shall sell, by wholesale or by retail, any liquors, without having first obtained a license under this Act authorizing him so to do.”

Now, what are liquors as defined by section 2, sub-section 9, and section 7 contains the descriptions and forms of the various kinds of license, being for hotel licenses, saloon licenses, shop licenses, vessel licenses and wholesale licenses, and these may be issued to applicants by the various boards of license commissioners referred to in section 5, to consist of certain persons, some of whom are to be appointed by the Governor in Council to act in license districts, to be defined by Order in Council according to section 4. Now that, generally, may be said to be what the object of the Act is: that is, that the country is to be divided into license districts, which shall be, as far as possible, counties or electoral districts, or cities, and that a board of license commissioners shall be appointed for each of those districts, such appointments being of certain official persons, and also one to be appointed by the Governor in Council; and that to these parties, as a board, is confided the issue of licenses, subject to certain definite enactments laid down in the statute and also subject to such regulations as these boards may from time to time make. In other words, this, though being a statute bearing generally over the Dominion in its scope, is localized to territorial limits that I have spoken of, where a board is to exercise jurisdiction and make regulations which are similar in their scope to the recognized institutions which have prevailed in all the Provinces—in some a system more elaborately prescribed by statute than others, but in all the Provinces generally there is a well settled system of municipal institutions. Now, there are in the statute a great number of matters prescribed as to the conditions and provisions to be observed by those who shall hold these licenses. First, as I have already stated, by section 9, the board may pass resolutions defining the qualifications and conditions for licenses, and limiting the number of licenses and regulating the times and localities for issuing. Sections 11 and 24 relate to applications for licenses and the establishment of certain safeguards. Sections 25 and 28 relate to the accommodation that is to be furnished by hotels, and some other licenses as to the number of beds and as to the accommodation that houses of entertainment shall be bound to furnish, as a condition of obtaining a license. Then clauses are introduced providing for the duty of the board before directing the issue of licenses, in the nature of what may be called proper safeguard as to the character of the persons. Another section limits the number of licenses to be granted by the board. Sections 44 and 45 is a power where municipal councils—the recognized municipal councils of the different Provinces may reduce the nu-



of licenses to be issued. No. 47 proposes that municipalities—all municipalities, except cities and counties—may hold a poll of the ratepayers to limit the issue of licenses and the sale of liquors. Then other clauses follow, that the licenses are to be local, that is, to apply to the places for which they are given. Then the transfer of licenses and removal are provided for. Then there are clauses which apply to the license fund, to the revocation of licenses improperly obtained, to permits to sell in municipalities where no licenses are granted, to the registration of licenses, to regulations and prohibitions, and penalties are provided for the infraction of these license regulations. Then other provisions follow which are in the nature of penalties and regulations following that, but I think it not important at this period that I should make any further reference to those. They are, speaking generally, merely matters enforcing the observance of the regulations that have been made by the License Commissioners, and also the regulations which have been made by this statute in respect to the conditions on which these licenses have been issued. That, speaking generally, is the effect of those statutes.

Now, passing from that general purview of the Act, I have to draw your Lordships' attention to the fact that the other Provinces have legislated in the same direction. I will draw your Lordships' attention, first, to the Ontario License Act; that Act, now in force, consists of statutes passed in the years 1878, 1881, 1883 and 84.

Now, I wish to say that, speaking generally, the Ontario Acts are to the same general effect as the Dominion License Act of 1883—that they have the same general scope and character, with one or two exceptions, which are not material to speak at present (I think they are the 45th and 47th sections); but, generally speaking, the same provisions exist, although not identical. In the same way are there parallel districts; in the same way is there a board of license commissioners, appointed in a somewhat different way, but still there is a board appointed, which is to define rules and regulations, in the same way as is prescribed in respect of Dominion law; and I think I am not asking or saying too much, that your Lordships should receive the idea that, with reference to any question that I think is before us now—there is no practical difference between the scope and character of the two sets of legislation. They are not identical, but they are generally to the same effect.

Now, we come here, my Lords, in opposition to the Dominion License Act, and arguing to uphold the Ontario License Act, fortified, as we conceive that we are, by very exhaustive judicial decisions, which have all tended to confirm the general power of the Provinces to enact a law and who have enacted laws to the same effect. In the Province of Ontario, in the Province of Quebec, in the Province of Nova Scotia, and in the Province of Quebec, notably, are cases which have been decided upon this branch of law, which, with remarkable unanimity of judicial opinion, have established that the powers which have been exercised in the Ontario License Acts, and in the Acts of the respective Provinces, are sound law within the powers conferred upon the Provinces under the British North America Act. Not only have the provincial Courts of first instance, but also the provincial courts of appeal so decided, and in some respects this Supreme Court also, and ultimately the Privy Council, in confirming the judgments of the Court of Appeal of Ontario. So that we approach this subject by saying, at all events, we come here with an Act fortified, as I have said before, by judicial decisions which determined the legality of those provincial Acts and upon which we rest; and as a logical result from which, bearing upon the powers of the Dominion Parliament, cannot be displaced.

Now, the principles, as I understand, upon which the provincial Acts have been upheld, are briefly two heads, and probably one, I might almost say. They are the same: that all the powers which they have enacted, amended and re-enacted, are no more those powers which were exercised very much in the same form by many of the Provinces at the time of Confederation, and which law, it is contended, was upheld by the Confederation Act as being part of the law which fell exclusively to the provincial Legislatures; also, that all these powers are no more than that which accompanied a class of law which is spoken of as police powers. The terms "police

powers" is recognised in this court—I shall have some references to offer your Lordships upon it—but I do not see that there is anything contained in police power which is not open to us to point to the Statute Book and say, in so far as regards these statutes, it already is upon the Statute Book under the description of municipal institutions, as that term was understood at the period of Confederation. Now, to follow up the point that I am taking in detail will be to draw your Lordships' attention to the recognition of the law that I speak of. I am not doubting but that the view that I am now putting before your Lordships is a matter that will be questioned at all. I think that it must be accepted as being settled law that the powers which the Provinces then held under municipal institutions, in so far as they have been re-enacted in the provincial Acts to which I have drawn attention, are really—with out, of course, considering the effect of the Dominion Act at present—are really but for that Act, the law of the land.

Now there is a case in the Privy Council, but I would speak of the judgments in the Court of Appeal of Ontario in the same case, the Queen and Hodge, and the Queen and Frothing. These two cases are reported together. They are to be found in 7 Ontario Appeals. I observe that the book in the library here is Upper Canada Appeals, and so it may be cited. It is a mistake in the binding—7 Ontario Appeals page 246. Chief Justice Spragge, at page 253, says:—

"This matter of licensing and of the regulation of places and persons licensed pertains to municipal institutions, and is moreover of a local nature. Now, the making of laws in relation to both these subjects being committed exclusively to the Provincial Legislatures, and legislation by any other power being thereby excluded, it follows that the British North America Act operates to withdraw from legislative control, by any power or body whatever, the licensing and the regulation of places and persons licensed, power in regard to which they had theretofore unquestionably exercised. The effect in that case would be more and other than a distribution of legislative power, it would be an extinction of legislative power, in regard to subject which, up to Confederation, had been subjects of provincial legislation.

"I will presently consider the question whether the imposing duties and conferring powers imposed by the Act of 1875-76 upon license commissioners was a new delegation of authority not contemplated by the British North America Act; but before doing so it will be well to consider this power to delegate, which is denied to the Provincial Legislature by the judgment of the Court of Queen's Bench. *Regina vs. Burah* certainly no authority for the denial of such power. Lord Selborne gives his idea of the kind of power that cannot be delegated when he says, at page 905, that: "The Governor General in Council could not, by any form of enactment, create in India and arm with general legislative authority, a new legislative power not created or authorized by the Council's Act." But no power of his judgment countenances the idea that a legislative body may not delegate to others authority to make rules, order by-laws, or whatever may be necessary to carry into effect the enactments of the Legislature itself. Sir James Stephen, in his argument in the *Burah* case, page 89 gives several instances of what he calls conferred discretion and delegation of authority. It would, indeed, be difficult to conceive any more decided instances of delegation of authority, and that quasi legislative authority, than is to be found in the last as well as the previous Municipal Institutions Acts passed by the Legislature of United Canada before Confederation; and it is to be remembered that that Legislature had no more power to delegate power upon that subject of legislation than had the Legislature of Ontario after Confederation.

"Besides the Municipal Institutions Act, the Attorney-General, in his argument gives us several instances of legislative delegation of authority by the Canadian Legislature before Confederation. One is the authority given to the Governor in Council, by sections 9 and 10 of the Public Lands Act, 23 Vic., chap. 2; another the authority given by the Grammar Schools Act, 24 Vic., chap. 63, to the Council of Public Instruction, to make rules and regulations for the organization and government of grammar schools; and there are, besides, the frequent instances of power delegated to the judiciary to make rules and orders of court. I may instance the



power delegated by 12 Vic., chap. 64, to the Court of Chancery. After enumerating a number of subjects in respect of which this power is given, this general power is delegated, to make such general orders, from time to time, as the court may deem expedient, in relation to every other matter deemed expedient for better attaining the ends of justice and advancing the remedies of suitors, with power, from time to time, to suspend, repeal, vary or revive such orders; and the only restriction upon the power so conferred was, that no such order should have the effect of altering the principles or rules of decision of the court. We know, also, that the Imperial Parliament has, from time to time, delegated large powers of the like nature to the judiciary; and, in the recent Judicature Acts, powers that are essentially legislative in their character.

"My conclusion is, that it cannot be correctly laid down as a proposition of law, that a Legislature cannot delegate its powers to other bodies, or to boards of officers created by itself, in order to the carrying out its legislation upon particular subjects. It is not necessary to go further. It has been the course of legislation to do this in England and in Canada, and also in the neighboring Republic; and it is manifest that a contrary doctrine would cripple legislation to a very serious extent.

"It is important to bear in mind that the Imperial Parliament, in committing to the Provincial Legislatures the making of laws in relation to municipal institutions, committed to them, as a subject of legislation, that which was, as it then stood and had stood for a number of years, wholly a subject of delegated power from the General Legislature. The power was conferred in as broad and comprehensive terms as possible, 'to make laws in relation to.' That necessarily imported *ex vi termini* power to change the laws in relation to that subject; and as long as the changes made were changes only in municipal institutions, they were within the power. In the then Province of Upper Canada, at the date of Confederation, township councils, county councils, city councils, boards of police commissioners, were all parts of the machinery which, to take as an instance the county of York, constituted a municipal institution. Great changes might be made in all these pieces of machinery; their powers and duties might be changed; some parts might be left out, *ergo* township councils, or county councils, or boards of commissioners, as making the machinery so cumbersome or too complicated, or for any other reason; and the powers and duties exercised by those left out might be committed to those remaining, or to some new wards or other pieces of machinery substituted for them. I cannot see how it could be *ultra vires* the Provincial Legislature to make all these changes, provided they are changes only in relation to municipal institutions. \* \* \* \* \*

"I do not myself entertain any doubt as to the power of the Provincial Legislature to make the change made by the Act of 1875-76 in the municipal law as it then stood. I think it is to be regarded as only a change in the machinery, by which the municipal institutions of the Province had theretofore been worked; and as the power to make laws in relation to municipal institutions was conferred upon that Legislature by the Confederation Act, it clearly, in my judgment, had the power to make that change."

Mr. Burton, in the *Frawley* case, page 281, says:—

"I was somewhat surprised that we were again pressed with the argument that the Liquor License Act was *ultra vires* as dealing with trade and commerce, an argument which, if pressed to its logical conclusion, would effectually preclude the Provincial Legislatures from dealing with any particular trade or business within the Province; and the Privy Council have decided that the words "that refers not to this case in appeal but to an earlier case, the *Parson's* case "the words are not to be regarded in any such contracted sense, but to refer to political arrangements in regard to trade requiring the sanction of Parliament, regulation of trade in matters of inter-provincial concern, and possibly general regulations of trade affecting the whole Dominion."

Then at page 275, in *Regina vs. Hodge*, Justice Burton says:—

"At the time of Confederation the Municipal Institutions' Act of 1866 was in force, and under it the municipal councils were empowered to pass by-laws, and to

fix the punishment within certain defined limits for their infraction. To the police commissioners had been transferred a power formerly vested in the council, to pass by-laws regulating taverns, and to prohibit the sale of liquors without license."

I am referring to these cases at this present time, not so much with reference to this last branch, of which I shall speak afterwards, but to impress your Lordships as far as I can, that but for this Dominion Act, which we shall discuss directly, it was settled law that all the legislation in that Dominion law, *mutatis mutandis*, might have been exercised by the Provinces, and was actually exercised by the Province of Ontario, and has run the gauntlet of every court of appellate jurisdiction, and has been pronounced as good law. I therefore say that upon that we may stand firmly in as far as that was law which they might properly exercise. If I am to cite cases to your Lordships in confirmation of these powers, I beg leave to say that they are embraced in a paper which we have put in to your Lordships which passes for factum, and yet I cannot say that I should say these are reasons of objections. We did not know, or did not feel clear that it was essential to do so, so that your Lordships should have before you the pages of these texts that I have cited. We have raised our objections under a few heads, and we there cite all the cases. The cases consist of Slavin and Orillia. I only refer to these to remark that the cases to which I refer upon this head are down here, and your Lordships therefore need not be particular as to the paging. I will call the names, and your Lordships will recognize them all. They are to be found on page 2, of the paper handed in—Slavin and Orillia, the Queen and the Justices of Kings, Poulin and the Corporation of Quebec, Severn and the Queen, Hodge and the Queen, Blouin and the Corporation of Quebec, the Corporation of Three Rivers and Sulte, Keefe and McLenna, &c.—all those cases absolutely recognise and pass upon the law that I have been endeavoring to press upon your Lordships. I think that your Lordships will not deem it necessary that I should read marked passages from those cases. All those cases have been, I see by the reports, before your Lordships already. They are all well recognized; they are in courts of appellate jurisdiction—one might almost say household words—all upon this branch of the law. I do not, therefore, consider it necessary to go into them.

I observe that in the case of Severn and the Queen, when Sir William Richards presided over this court, he said, at page 93, 2 Supreme Court reports:—

"I think we may, without violating any of the rules for construing statutes, look to the legislation which prevailed in any or all of the Provinces, in order to enable us to be put in the position of those who framed the laws, and give assistance in interpreting the words used and the object to which they were directed."

Again, in the same case and on the same page, he says: "We can therefore see very good reasons why these licenses, as to local and municipal matters, should be under the control of the Local Legislatures, and equally good reason why, as regards licenses for such matters as would be likely to affect trade and commerce and the revenue derivable from the excise and customs, these latter affecting great and paramount interests, no express power was given to the Local Legislatures."

Now, having gone so far, and not deeming it necessary to read these cases to your Lordships, I shall pass to another branch of the subject, assuming that for the purposes of my present argument it is received that the Province had those powers at the time of Confederation, and that those powers have been lawfully exercised since that, and that they have been so confirmed and stamped as having those powers by the judicial decisions to which I have referred. Then comes the question—what is there in this Dominion License Act to override the law of Hodge and the Queen—I might perhaps say the law of the land—but what is there in the Dominion License Act to override the law which I assume has been settled except for this Act? The case that I have just spoken of, which had all the cases that I have cited brought before the Privy Council, they determined that the Ontario License Act was within the legislative power of the Provincial Legislature as regulations in the nature of police or municipal regulations, of a merely local character, for the good government of taverns, shops, &c., licensed for the sale of liquors, and such as are calculated to preserve in the municipalities peace and public



agency, and repress drunkenness and disorderly and riotous conduct, which said Provincial Act cannot be said to interfere with the general regulation of trade and commerce, which belongs to the Dominion Parliament. Now what is it that can interfere with that? If we turn to the recital of the Act we find that it consists of three sentences, and that contains the reasons which have influenced the Dominion Parliament to pass it, and I think that I might also safely say that there is nothing in the principle of the Act which is not covered by those recitals. There is nothing in the Act that is outside of that. The first paragraph of that is that it is desirable to regulate the traffic of intoxicating liquors, but that, I submit, is not a matter with which the Dominion can deal, because it having been already decided that this power of regulating is incident to the power to make laws relating to municipal institutions by Provincial Legislatures, and as this power is exclusive and not concurrent the desirability of regulating the traffic cannot warrant the regulations by a Dominion Act. If the Dominion deems it desirable to pass a law which is within the power of the Provincial Legislature, and can do so to remove the Provincial law, why it would improve the Provincial Legislature of any jurisdiction whatever.

"That it is expedient that the law respecting the sale of liquor should be uniform throughout the Dominion." But the expediency of the law being uniform throughout the Dominion on any subject which is otherwise within the exclusive jurisdiction of the Provincial Legislatures, does not give jurisdiction to the Federal Parliament to create uniformity. It is impossible for the Parliament to increase their powers merely by their own act because they deem it desirable; that has been stated in this Court in its judgments on many occasions. Mr. Justice Taschereau, at page 310, 4 Supreme Court, also reported in 1 Cartwright, page 319, says: "The Federal Parliament cannot extend its own jurisdiction by a territorial extension of its laws, and legislate on subjects constitutionally provincial, by enacting them for the whole Dominion."

Then Mr. Justice Fournier, in the *Queen vs. Severn*, 2 Supreme Court Reports, page 212, also 1 Cartwright, page 469, says:—

"4. The Dominion, no more than the Provinces, can increase this jurisdiction by its own legislation."

Then I have other declarations of opinion from Mr. Justice Strong and the Chief Justice of this court, so that I think that there can be no doubt upon the soundness of the answer I have given to that declaration.

Then, "that it is expedient that provisions should be made in regard to the traffic in the sale of intoxicating liquors, for the better preservation of peace and order." The Federal Parliament has power under the 91st section of the British North America Act to make laws for the peace, order and good government of Canada, in relation to all matters not coming within the classes of subjects (by this Act) assigned exclusively to the Legislatures of the Provinces. But as it has been decided that an Act of the Legislature of Ontario, covering the same ground, does come within certain of the classes in the 92nd section of the British North America Act, in relation to which Provincial Legislatures may "exclusively make laws," such legislation does not conflict with any powers vested in the Dominion Parliament. If the Provincial Act is a lawful Act, as it has been declared, and if it is an exclusive Act, as it has been declared, it is one of the powers which comes within the exception limiting the right of the Federal Parliament where there is power to make laws for the peace, order and good government of Canada.

Therefore it will be seen that the true nature and character of the legislation in the Dominion License Act belongs to the Provincial and not to the Dominion Parliament. Now, I am not able to find any satisfactory reasons upon which this statute of the Dominion can be upheld. I have not had an opportunity to read the line of argument which prevails in the factum drawn and signed by my learned friend who appears here for the Government of Canada. I am not able therefore, except by my own forecast, to suggest what are the grounds. I see nothing that is satisfactory that enables one to do so. I have considered on this point the judgment of Russell and the *Queen* and the *Dobie* and the *Temporalities*, but neither of these cases, does

it appear to me, can in any possible way affect these questions. With reference to the question of Dobie and the Temporalities Board, I understand that there it was held that Acts of the Legislatures of Quebec and Ontario, although echoes of each other, or almost so, did not and could not lawfully carry out legislation in amendment of and extension of an Act of the old Province of Canada, which Act of the old Province of Canada legislated in respect of a fund in which there were trusts or interests pertaining to both Provinces, although all the property, or the *corpus* of the estate in question, happened to be in the Province of Quebec only. I understand that the ultimate decision upon that case took this view—here is an Act passed by the old Province of Canada: it relates to properties, as I have already rehearsed before your Lordships; that no legislation could make a disposition of the trusts that were contemplated by the Act of the old Province of Canada, because if Quebec legislation it could not affect the trusts relating to the Province of Ontario, and *vice versa*. That therefore there being no power whatever under the British North America Act for disposing of this matter in any one Province, therefore, as a matter of law, it resulted into the Dominion having all powers which had not been specially assigned to the Provinces. That is an intelligible reason. I am not quite sure that that decision would be upheld had that case passed through the ordeal of this Supreme Court; but there, at all events, is an announcement of the law which has to be taken into account with on this argument. Now that is wholly inapplicable from all that can be said of it in this case, because if that did prevail, it might be argued that inasmuch as one of the Provinces could pass an Act of the character that we are now discussing, except in respect of its own Province, that it being an Act applying to more than one Province, therefore it could only be disposed of by the Federal Parliament. Well, I do not know that that will be seriously discussed; I can only put that interpretation on one of the two cases which may be invoked on this occasion, but it seems to be apparent to anyone that if that possibly could be the law, there is an end to anything like a Federal system, because there would be no limit. The entire power of the Provinces would be destroyed. If because a Province has a power, that therefore it can pass to the Dominion if the Dominion chooses to enact in respect of two or more Provinces and that for that reason it is not within provincial power, it would be wholly destructive of the federation system. Now, the remarks in Dobie are as follows: It was pointed out that the Quebec Act deals with a single statutory trust, and interferes directly with the constitution and privileges of a corporation created by an Act of the Province of Canada, and having its corporate existence and corporate rights in the Province of Ontario as well as in the Province of Quebec. That is a brief recapitulation of the effect of the Quebec Act which was held to be *ultra vires*, and for these reasons, if these rights and interests were capable of division according to their local position in Ontario and Quebec respectively, the Legislature of each Province would have power to deal with them so far as they are situated within the limits of its authority. Answering there the difficulty which, I apprehend, may be pointed out, that if it were possible to have these rights separated, then to each Province would the legislation fall. Neither can the accident of its funds being invested in Quebec give the Legislature of that Province authority to change the constitution of the corporation in which it would otherwise have no right to interfere.

Now the other case bearing upon the matter is that of Russell and the Queen. Russell and the Queen is wholly unlike this case. In the first place, it discusses the Canada Temperance Act, which case was before this court, or the same subject was discussed before this court in the case of the City of Fredericton and the Queen. The court decided that that Act was within the power of the Dominion Parliament, because it was a regulation of trade and commerce. The Privy Council, to which that judgment was appealed, said: "We do not deny that it is a regulation of trade and commerce; we do not criticize that judgment, but it seems to us that the ground upon which the validity of that statute should be placed is that it was a general law for the peace, order and good government of Canada." They decided that the Temperance Act did not fall within any of the provincial powers, and therefore the case is decided. "As this is not within one of the provincial powers, it is an Act which can be upheld."



under the first branch of the 91st section, for the peace, order and good government of Canada. It does not come within provincial legislation, therefore we need enquire further whether it is to be appropriated or assigned to one of the enumerated classes of section 91. That becomes immaterial, but we do not differ from the view of the Supreme Court."

Now, on what ground can Russell and The Queen be advanced as being adverse to this case? Why, to my mind, it does not come within this case at all; it was of an entirely different character. It did not go into any minute details as to what the law should be in all local matters, as to when the taverns should be closed or what accommodation should be furnished. It was not an Act of that scope; it did not go to municipal or local questions. We may say that it was up to a certain quantity of general restriction or regulation of trade—that whatever is summed up in section —prohibition of traffic in intoxicating liquors. In the City of Fredericton and The Queen, his Lordship the Chief Justice of this court analyzes that Act, or, rather, the recital: "Whereas, it is desirable to promote temperance in the Dominion and that there should be uniform legislation in the Provinces respecting the traffic in intoxicating liquors." Now, that is a general law, and because it is a general law, and not a law relating to local and municipal matters, did this court uphold it, and I say it would be inconsistent with anything that had passed in this court in the City of Fredericton and The Queen.

*Strong, J.*—According to my view, it is beyond the power of legal argument to reconcile the decisions of the Privy Council in *Severn and The Queen* and *Hodge and The Queen*. If ever there emanated from one tribunal two conflicting decisions, they are those two decisions. You are entitled, I presume, to claim the last as the one which should govern.

*Mr. Blake*.—Looking at it as a will, and not a deed, the last rules.

*Henry, J.*—Not the last will, I hope.

*Mr. Irving*.—I did not think it lay in my mouth as counsel to make that expression; I thought I had to deal with it. What I say is we have nothing to do with Russell and The Queen.

*Strong, J.*—In Russell and The Queen no allusion is made at all by the Privy Council to this clause. We had the shorthand writer's notes, and from beginning to end of the case there is no allusion to it, either in the argument of counsel or in any of the judgments.

*Mr. Blake*.—It is passed over completely, though they afterwards make it the turning point in *Hodge and The Queen*.

*Mr. Irving*.—Your Lordships will permit me to remind you that I was discussing Russell and The Queen in the light of the City of Fredericton. I shall not pursue Russell and The Queen any further. I like the judgment in the Fredericton case, and have drawn your Lordships' attention to the fact that the Privy Council approved of the fact.

*Strong, J.*—In that judgment of Fredericton and The Queen, this court is directly against you.

*Mr. Irving*.—I do not think so, my Lord.

*Strong, J.*—From what little I know of it, I think it is.

*Mr. Irving*.—This is a matter of trade and commerce, in the same sense that Fredericton and The Queen is.

*Strong, J.*—Under the general clause, for the peace, order and good government of Canada, leaving trade and commerce out altogether. The Privy Council, in Russell and The Queen held, that the power was conferred to legislate, as was done in the statute commonly called the Scott Act. In Russell and The Queen, the validity of the Scott Act is referred to that general clause—is it not?

*Mr. Bethune*.—It is so, my Lord.

*Mr. Irving*.—But, in *Hodge and The Queen*, your Lordship has, no doubt, seen the explanation they gave of their judgment in Russell and the Queen.

*Strong, J.*—I have never seen any explanation of Russell and the Queen.

*Mr. Blake.*—Municipal institutions did not come within any of the clauses section 91.

*Strong, J.*—We had the shorthand writer's notes here and the counsel not mentioned municipal institutions. One of the counsel who argued the case in court says that no allusion whatever was made to that sub-section 8 in Russell v. The Queen.

*Mr. Blake.*—But bringing it within that, it was brought within the peace, order and good government clause.

*Mr. Irving.*—The decision of Russell and The Queen does not touch what I am referring to now.

*Strong, J.*—If the Privy Council made blunders it is for them to correct that this is not the place.

*Mr. Irving.*—They have corrected it. They say:—

"It appears to their Lordships that Russell and The Queen, when properly understood, is not an authority in support of the appellant's contention, and their Lords do not intend to vary or depart from the reasons expressed for their judgment in that case. The principle which that case and the case of the Citizen's Insurance Company illustrates is, that subjects which in one aspect and for one purpose fall within section 92, may in another aspect and for another purpose fall within section 91."

*Strong J.*—That is not the question: the question is whether the subject legislation on in the Scott Act did not fall within the municipal and police institutions referred to in the sub-sections of section 92, and that argument was never brought before the Privy Council and never touched at all in the judgment.

*Ritchie, C. J.*—The question of prohibition was exercised by municipalities at the time of Confederation, and that was one of the arguments brought forward in that case. The first case that occurred in New Brunswick was where they were acting under a municipal provision which prohibited the sale. The legislation covered municipalities, the power to prohibit and the issuing of licenses in certain localities.

*Mr. Irving.*—That power is still claimed to be retained in Ontario.

*Ritchie, C. J.*—How can it be under the decision of the court in the Scott case?

*Mr. Irving.*—I mean it still remains on the statute book.

*Ritchie, C. J.*—It cannot remain now under the decision in the Scott Act; the decision clearly states that the question of prohibition comes under the jurisdiction of the Dominion Parliament.

*Henry, J.*—In legislating on railways power is given to the Dominion Parliament to declare that any railway or canal shall be for the general good of the whole Dominion, or of one or more Provinces outside of that Province, and there is special power given to legislate by Parliament that something of a local character may, by that declaration, become of a general character. I can see nothing in the Acts which will not enable the Parliament of Canada to declare that it is for the benefit of the Dominion that the license law should be general, if that conflicts with the legislation to be found in so many words with the expression in the Act of Confederation. If express power is given in the one case, the power is given in the other. In reference to the question of prohibition, or in regard to the question of a general license law for the whole Dominion, the mere declaration for the Parliament of Canada is not, as you very properly state, give it that jurisdiction, unless that were conferred and provided for specially in the Confederation Act; but I can see there is a difference nevertheless, that may be urged between a law that is passed for local operation in regard to the question of prohibition and a law passed to deprive a Local Legislature of the right of granting licenses at all. Now in the decision by the Privy Council in the case of Russell and The Queen it was, as you very properly state, taken from the general clause of section 91, but it seems to me at the same time that the exception in that very clause was not noticed, and it always appeared to me that the exception that the Parliament of Canada shall have the power to make laws "for the peace, order and good government of Canada," is, on all subjects except those that are reserved for the Local Legislature. If we find out that any one subject is reserved



he Local Legislature exclusively, then the power of Parliament to deal with that subject, I consider is at an end.

*Mr. Blake.*—Absolutely withdrawn by that.

*Henry, J.*—That distinction does not appear in the decision of the Privy Council all, in that case of Russell and the Queen, and I consider it a most important one.

*Mr. Irving.*—Then, as to choosing between Hodge and the Queen and Russell and the Queen, there is not any difficulty, so far as I am concerned at present. If it be held that the two are perfectly inconsistent, which is what I think I may have suggested, then if it is not reasonable to attempt to reconcile the two, of course one stands on the decision of Hodge and the Queen, but I had thought that there was some difference between an Act like the Canada Temperance Act, which, as determined upon in this court, relates to trade and commerce—

*Strong, J.*—I just want to understand the decision of Russell and the Queen. As I understand, it decides that a prohibitory liquor law—that is, with local option—is within the exclusive powers of Dominion Parliament.

*Mr. Irving.*—Yes, my Lord.

*Strong, J.*—Hodge and the Queen decides that the general police power, as to regulation of traffic in liquor, is within the exclusive power of the Local Legislatures.

*Mr. Irving.*—Yes, my Lord.

*Strong, J.*—Putting these two together, it seems there is some arbitrary distinction between prohibition and regulation. That is the only way in which the two questions can be considered.

*Mr. Blake.*—One is so large and wide in its scope that it may be given to one, and the other being narrower in its scope must be given to the other.

*Ritchie, C. J.*—Does Hodge and the Queen decide that it is clearly within the power of the Local Legislature?

*Mr. Irving.*—Yes, my Lord.

*Ritchie, C. J.*—May not that be reconciled in this way—that there is necessarily concurrent jurisdiction, the Privy Council having determined, in accordance with the decision of this court, that the exclusive power of prohibition is in the Dominion Parliament and does not belong therefore to the local, but recognizes that there may be police powers in the Local Legislature with reference to regulation—may not it be held to exist and yet be subordinate to the power of the Dominion Parliament, not only with reference to trade and commerce, but with reference to the good government and good order as well in the Dominion; and that, while the Legislatures have police powers, those powers would be subordinate to the Legislatures of the Dominion when the legislation of the Dominion is within its power, regulating trade and commerce, or for maintaining peace, order and good government in the country? May not that co-exist in that way? The Local Legislatures act until the Dominion Government interfere and exercise their larger powers with reference to trade and commerce; in the same way they say we prohibit the sale. Now, might it not be in that way? They say: "We prohibit, by virtue either of one or other or both of those powers the regulating of trade and commerce or the maintenance of peace, order and good government, and then again we regulate trade and commerce with reference to the peace, order and good government of the country." Then in this case, as well as the other, would not police legislation and municipal legislation be necessarily subordinated to the more general power?

*Mr. Irving.*—I think that the provincial powers, which your Lordships assumed in the case that you stated, to exist, which was the police or municipal power of regulation, that if that is once found to be in the Province, then it is wholly impossible for the Dominion to legislate in that respect under the head of "the peace, order and good government of Canada;" but I think, separating the point that your Lordship has put, that it comes to be a question whether the Act under discussion is with municipal institutions or is a regulation of trade and commerce. I see no difficulty—pardon me for speaking that way—in ordinary legislation to determine the head, at first sight, under which the statute should be classed. I think there is no

difficulty in saying whether that is a municipal institution or whether it is a trade and commerce institution, and where one stands upon distinct ground the difficulty does not arise. Where it is wanted to be put upon the ground that the municipal institutions is lost in the superior (if it may be so termed) of peace and good government, I say at once if the police or municipal power is within the Provinces, then, being exclusively, it is especially excepted out of the "peace, order and good government;" otherwise, when it is an Act of such a character—

*Richie, C. J.*—Is there not a clause in the statute which says that nothing in this shall prevent the Dominion Government from exercising its powers?

*Henry, J.*—That is in the cases enumerated, but it does not apply to the first clause of the Act. I think if the Act is attentively considered, the object of those who had something to do in the framing of it, it will appear, was to make them exclusive of each other, and that the Local Legislatures were to be as paramount in respect to the subjects given to them as the Dominion in respect to the subjects assigned to it, and once they were seized with the power the Dominion Parliament could not interfere with that power, because, if the Dominion Parliament had the right to legislate on the subject at all, then the Local Legislatures never had. They never could have had it.

*Mr. Blake.*—That is the reason the word "exclusive" is used.

*Strong, J.*—There could not be a federal system without that. If the Local Legislatures could exercise power which could be paralyzed to-morrow by the Dominion Government assuming to exercise other powers, the power given to the Local Legislatures would be wholly illusory.

*Mr. Blake.*—It would be eaten up in a short time; there would be nothing left.

*Henry, J.*—You find some subjects are given to both. Agriculture, for instance, is given to the Dominion Parliament and also to the Local Legislatures. The object was to give both power, one requiring it as much as the other.

*Strong, J.*—Both of those powers are said to be exclusive. How they each can have exclusive powers in the same subject it is not very easy to see.

*Henry, J.*—The effect of that is taken out of it by the subjects enumerated.

*Mr. Irving.*—Then the point to which I was brought by the view that your Lordship expressed, I have answered, I think, in a way that tends to uphold the provincial legislation and which is destructive of the legality of the Dominion legislation. From that view I think it has to be construed as to what this Act really is, whether it is an Act interfering with municipal institutions, re-enacting a municipal system by the Federal Parliament—whether it is that, or whether it is legislation under the head of trade and commerce. Now, my own idea is that it in no way touches trade and commerce in the sense in which that is dealt with in the British North America Act. The subject has been discussed here; it has been discussed by the Privy Council, and your Lordships are familiar with the view which had been expressed in the Privy Council, speaking of it as being only to be construed in a broad sense; but that it had been, to some extent, developed in this court before the *Citizen's and Parsons* case in England. For instance, in this court the *Citizen's and Parsons*, 1 Cartwright case, pages 289 and 290, the Chief Justice of this court says:—

"This shows inferentially that there may be matters of a local and private nature with which the Local Legislatures may deal, and which, but for the exclusive power conferred on the Local Legislatures, might be comprised under some of the general heads set forth in section 91 as belonging to the Dominion Parliament."

This is made very apparent in respect to navigation and shipping. There it goes on:—

"When we turn to the enumeration of the powers of the Provincial Legislatures." And after reciting them: "Here then are matters immediately connected with navigation and shipping and trade and commerce."

Then the Chief Justice of this court, at page 292, 1 Cartwright, says:—

"I think the power of the Dominion Parliament to regulate trade and commerce ought not to be held to be necessarily inconsistent with those of the Local Legislatures to regulate property and civil rights in respect to all matters of a merely local



private nature, such as matters connected with the enjoyment and preservation of property in the Province, or matters of contract between parties in relation to their property or dealings, although the exercise by the Local Legislatures of such powers may be said remotely to affect matters connected with trade and commerce, unless, indeed, the laws of the Provincial Legislatures should conflict with those of the Dominion Parliament passed for the general regulation of trade and commerce. I do not think the Local Legislatures are to be deprived of all power to deal with property and civil rights, because Parliament, in the plenary exercise of its power to regulate trade and commerce, may possibly pass laws inconsistent with the exercise of the Local Legislatures of their powers—the exercise of the powers of the Local Legislatures being, in such a case, subject to such regulations as the Dominion may fully prescribe. The Act now under consideration is not, in my opinion, a regulation of trade and commerce; it deals with the contract of fire insurance as between the insurer and the insured."

And Justice Fournier, at pages 302 and 303 of the same case, says:—

"In exercising its power, the Federal Parliament, no doubt, has the right to deal incidentally with matters which are under the jurisdiction of the Provinces, but this power does not extend any further than is reasonable and is necessary in order to legislate for commercial purposes only. The Federal Parliament could not, therefore, under the pretence of legislating on commerce entirely, control a subject matter which comes under the jurisdiction of the Provinces."

Then, in *Citizen's and Parsons*, at page 90, 1. Cartwright, Chief Justice Ritchie says:—

"There are matters connected with navigation and shipping, and with trade and commerce, that the Local Legislatures may deal with and not encroach on the general powers belonging to the Dominion Parliament for the regulation of trade and commerce, and navigation and shipping, as well as railways, canals and telegraphs."

Then I, of course, again draw your Lordships' attention to the general definition of trade and commerce, as given in the *Citizen's and Parsons*, which, to my mind, include the idea "the words regulation of trade and commerce, in their unlimited sense, are sufficient to include every regulation of trade, managing every political regulation with foreign Governments requiring the sanction of Parliament."

*Strong, J.*—I should not agree with that myself. Some observations are made in *Parsons* and the Queen when the Lords in Council gave judgment in that case, in which they say that the proper construction of those words "trade and commerce" is to attribute it to the larger sense—that is to say, it applies to commercial arrangements, systems of policy, and not to small petty trading, as it is called in this country dealing, dealing either in liquor or anything else.

*Mr. Bethune.*—They do not decide that.

*Mr. Irving.*—This is the point you speak of:—"Construing, therefore, the words 'regulation of trade and commerce,' by the various aids, to their interpretation have suggested, they would include political arrangements in regard to trade requiring the sanction of Parliament, regulation of trade in matters of inter-provincial concern, and it may be that they would include general regulations of trade affecting the whole Dominion." It says somewhere that it does not go to regulate the business of a single trade in a single Province.

*Mr. Bethune.*—It continues: "Their Lordships abstain on the present occasion from any attempt to define the limits of the authority of the Dominion Parliament in this direction."

*Mr. Irving.*—But they go on to say:—

"It is enough for the decision of the present case to say that in their view its authority to legislate for the regulation of trade and commerce does not comprehend the power to regulate by legislation the contracts of a particular business or trade, such as the business of fire insurance, in a single Province, and therefore that its legislative authority does not in the present case conflict or compete with the power over property and civil rights assigned to the Legislature of Ontario by No. 13 of section 92."

*Strong, J.*—Of course the American decisions would go far to bear out that view, that trade and commerce would include small retail dealing, traffic in liquor for instance, but their Lordships said they did not want to hear any American judgment in that case of Russell and the Queen. Counsel was proceeding to quote some, and they said they did not wish to hear any American judgments.

*Henry, J.*—They did not want a Dominion Act construed by the light of a Washington candle.

*Mr. Irving.*—The point I am now proposing to address to your Lordships, although the case of the City of Fredericton and the Queen was pronounced upon by the Privy Council, I think I still may refer to passages in the City of Fredericton and the Queen where it is ground that your Lordships took on that occasion. Now, what I wish to draw your Lordships' attention to is this: That in that case, where the Canada Temperance Act was before your Lordships, the view was taken that it was a regulation of trade and commerce. I say, and I wish to point out the difference to your Lordships, that no part of that argument, if my learned friend seeks to use it, can be of service in this case, because there is nothing analogous in that Act and this Act which is now under consideration, and that is the point which is now before your Lordships, to construe whether this is a municipal institution Act or a trade and commerce Act.

*Henry, J.*—You mean to say also, I think, that there is nothing in the enumeration of subjects that would give to the Local Legislatures the power to pass the prohibitory Act to the same extent it gives them the power to regulate licenses. In the one case it is specially given to the Local Legislatures—shops, auction and tavern licenses. There is nothing corresponding to that that could be looked to in the whole enumeration of subjects in regard to a prohibition Act.

*Ritchie, C. J.*—That carries us back to the very class with reference to licenses of that description that are referred to; it is only for the purpose of raising a revenue.

*Mr. Bethune.*—In Hodge and the Queen they agree that section 9 is out of the question, except for municipal purposes.

*Henry, J.*—I rather think that they never had been granted for other purposes.

*Strong, J.*—If they give general and police power, and prohibition is as the Privy Council decided in Russell and the Queen, the Local Legislature has the right to issue licenses for revenue purposes. Apart from the present case, section 9 does so in many words.

*Mr. Irving.*—In fact, it is one of the conditions to getting a Dominion license that, after having come within the Act, after the certificate has been granted by the Dominion License Inspector, the applicant goes to the provincial functionary and takes the amount for duty there, and on paying that gets the Dominion License. That is the machinery of this Act.

*Strong, J.*—This Act recognizes that.

*Ritchie, C. J.*—The Dominion licenses are of no effect unless the parties pay the license fee.

*Mr. Irving.*—Or tender it.

*Ritchie, C. J.*—And so far as the revenue is concerned, it just amounts to this: the municipality would be injured, as far as that is concerned, by the licenses being limited and their not being allowed to go beyond that.

*Mr. Irving.*—To that extent.

*Ritchie, C. J.*—The Dominion Parliament has the same power of raising a revenue as the Local Legislatures have, because it says they may raise a revenue "by any mode or system of taxation," whereas the Local Legislature is limited in its power.

*Mr. Irving.*—That is the only instance of indirect taxation that is within the power of the Province. Your Lordships have passed upon the facts that the Canada Temperance Act is a regulation of trade and commerce. Not being able to see my way to the grounds upon which my learned friend may endeavor to uphold the Act—

*Ritchie, C. J.*—Suppose, for the purpose of raising a revenue, the Dominion should pass this Act, granting a license to any person who may tender a sum of money, could they raise a revenue in that way?



*Mr. Irving.*—If they confined themselves merely to that, without municipal and police regulations—

*Ritchie, C. J.*—That would entirely interfere with the police regulations of the Local Legislature.

*Mr. Irving.*—Not necessarily.

*Ritchie, C. J.*—Yes; because they might issue them to persons not licensed by the local authorities.

*Strong, J.*—Those persons would still be amenable to the local legislation.

*Ritchie, C. J.*—I take it the local legislation only applies to persons licensed by themselves.

*Strong, J.*—If they pass an Act such as the Crooks Act, {then, in addition to any license fee which the Dominion Government may impose by way of tax, the Provincial Government may impose regulations.

*Mr. Irving.*—I would suppose that the Dominion would have the power to say to-morrow that every tailor, every shoemaker in the country should pay a duty, but I do not think they could go a step further, and say at what hour that tailor or shoemaker should open and close his shop, and I see no difference between their business and the liquor business. I therefore think that where there was a regular provincial system as, we will now say, prevails, there would be nothing to prevent the Dominion saying that everyone who took out a provincial license should pay a Dominion tax. I think that would come under the right to levy taxes by any system of taxation. I do not see that that limits the Dominion in any way raising a revenue as they may think proper.

*Henry, J.*—I think it would be contrary to the whole spirit of the Act to give the Local Legislatures power to raise taxes by license, and also give it to the Dominion.

*Ritchie, C. J.*—I ventured to point out, in one of my judgments, that I could see no difference between both parties raising a revenue by license than both raising a revenue by direct taxation.

*Henry, J.*—That is provided for especially.

*Mr. Irving.*—I have a note on that subject. I recognized, when your Lordships spoke as having seen it before. It is further remarked: was it in conflict with a view that was expressed otherwise? I have a strong idea that this court will pronounce upon this question that this is a municipal regulation and municipal institution, and it is an encroachment or it is not; or this court will say that this is a law bearing on the regulation of trade and commerce, and it is without section 92 and within section 91. I think your Lordships will deal with it in that way. I therefore want to offer a few observations on the subject of what is trade and commerce within the broad views that I think find favor here, with reference to the construction that has already been put by this court and by the Privy Council upon trade and commerce in the larger sense, and not in minute dealings, as used in an item of trade and commerce. Now, I first will draw attention to the way in which the case of *Citizen's and Parsons* was dealt with in this court. Two of my Lords founded their judgment upon the well settled view that the business of insurance was a matter of trade and commerce. Reading that has led me to the idea, from the words that are dropped there, of investigating what that is capable of being said in limitation of the term, and I say that there is no legislation in this Act now under consideration that is properly a regulation of trade and commerce. Trade is a well-known and a well-ascertained term, settled as to its value by lawyers and by judicial decisions, and that consists of buying and selling and dealing in matters of merchandise, and that a law like this, which really regulates the subject of selling liquor, is not a regulation of trade. There is no difference between the selling of liquor and the selling of any other article. There is nothing that cannot be reached—no contract. This does not pre-suppose, and this law has no right to suppose or enquire how it is that the liquor has been obtained. There is no legislation on that branch. This is legislation affecting innkeepers, vintners and the like, and they are not, according to the law of England, tradesmen. They do not exercise trades. Subsequently and recently, by bankruptcy legislation, which enters into explanations and puts scriveners and others

under the bankrupt laws they are included. That is one thing, but these, under the law of England, are not traders. I shall give you in our factum a list of authorities on this point, but I draw attention to one which is an authority, which, coming from the great Lord Mansfield, is practically unanswerable, as far, of course, as it goes. Whether it is applicable or not to this case is for your Lordships to say. In 4 Burrow, page 2064, *Saunderson vs. Rowles*, the head note is "Victuallers, as such, not within the bankrupt laws." Now, the questions that came up in that instance was whether a victualler, who does not exceed the ordinary course of that occupation, but uses it just in the same manner as other victuallers do, is a trader within the idea of the bankruptcy laws, so as to be liable to a commission of bankruptcy. In order to get at that we must see what the bankruptcy laws precisely prevailing at that time had to do, and the bankruptcy laws at that time were of a general character, and did not enter into the definitions that were being given. They applied to any merchants or other persons using or exercising the trade of merchandise by way of bargain and exchange, "re-change, barter, chevisance, &c., in gross or detail, or seeking his or her trade, or living by buying or selling, &c., shall be deemed and be taken for a bankrupt."

These persons are liable to be bankrupt. Then the other statutes all preserve that definition, and even the statutes to a modern date, after the defining all the classes of occupation which it has been necessary to include. Even in recent legislation—so recently as 1874 and 1875—all end with the general term of the original statute of Elizabeth. That defined what was a trader; and now in this case we come to pass upon this question:—

"This dealing of a victualler in the ordinary course of his business is not such a contract as is made among merchants or shopkeepers or other dealers in the ordinary course of trade and commerce," using the actual words, and for some reason or other "trade and commerce" are italicized.

*Strong, J.*—They are the words of the bankrupt Act.

*Mr. Irving.*—They are not exactly that.

*Strong, J.*—The old bankruptcy Act. There have been upwards of a hundred of them since that.

*Mr. Irving.*—But they have all preserved the language of the statute of Elizabeth.

*Gwynne, J.*—All that comes to is, that they do not come within the words of the body of that Act. It says that certain persons shall be subject to the bankrupt laws, but they do not come among those.

*Ritchie, C. J.*—Does it say there traders for the purposes of that Act?

*Mr. Irving.*—Yes, my Lord. The late Acts define the occupations or avocations, but they all wind up with these general words which are within the statute of Elizabeth. Now, I take the statute of George the Fourth.

*Gwynne, J.*—Lord Mansfield does not say that they are not traders, but in that description they are not.

*Mr. Irving.*—The statute of Elizabeth which, in its language, has been preserved, brings in what trade is in the language which I have read: "If any merchant or other person using or exercising the trade of merchandise by way of bargaining, exchange, re-change, chevisance or otherwise, in gross or in detail, or seek his or her trade or living by buying and selling, and being a subject born of this realm," &c. Then I say within that statute and that language has been continued the Act at first brought in the definition of the different avocations, beginning by bakers and brokers, and scriveners, &c., and ending with this general clause: "Others seeking their living by selling or buying or letting for hire, &c., shall be deemed traders." What I am pressing at the present moment is that from that Act, which was an Act relating to trade and commerce, and which did define in every possible way who was a trader and who did exercise a trade—that nothing is a trade unless it does come within the definition of buying and selling, and that it is not a trade where a man exercises an avocation, we will say, of buying only and selling only, but that there must be a combination of both buying and selling.



*Strong, J.*—Every man that sells must buy, necessarily.

*Mr. Irving.*—Not necessarily. Take the case in which an executor goes into the possession of goods. He sells those goods, but he could not be made a trader because he did not exercise a trade.

*Ritchie, C. J.*—This has reference only to buying and selling. If he does not buy and does not sell, no one can interfere with him carrying on his business. You license him to do so.

*Mr. Irving.*—That licenses him to sell. He is not a trader by merely selling.

*Ritchie, C. J.*—This Act applies to wholesale dealers also; are they not traders?

*Mr. Irving.*—But they do not buy; we know nothing of how they buy.

*Henry, J.*—How do you account for them having large stocks on hand?

*Mr. Irving.*—There may be another statute bearing on that.

*Ritchie, C. J.*—the judges must bring common sense to bear on this subject as well as on all others. They must be cognizant of what is going on round them under their eyes.

*Mr. Irving.*—Here is the language of the judges of this court, which I will point out. They say that a trade cannot be exercised merely by either selling or buying, that it must be both. Now, at page 322 of 1 Cartwright, Mr. Justice Taschereau, in his judgment, says:—

“As I have remarked before, it may be said that making a contract of sale is not a transaction of commerce. It is the fact of a person or corporation making a business of selling and buying, or of issuing policies of insurance, which gives to the contract of sale or the contract of insurance, and the seller or insurer, a commercial character.”

*Strong, J.*—It would make a person who bought and sold occasionally amenable to the insolvent laws.

*Mr. Irving.*—But there is no case of where a man came under the insolvency laws who only sold.

*Mr. Blake.*—Even a farmer, who sells his cattle day by day, is not a trader, because he does not buy.

*Henry, J.*—A man who buys cattle in the fall and sells them in the winter is not a trader?

*Mr. Irving.*—They change him from a farmer into a cattle dealer. If the cattle were the growth of the farm he would not come within the class of traders.

*Henry, J.*—If he bought a team of horses and worked them for a year and then sold them, that would not make him a trader.

*Mr. Irving.*—No, my Lord. “Buying or selling only will neither, singly, constitute trading.”—Pots’ Law Dictionary, Bankruptcy, page 45. That reference is in the list.

*Ritchie, C. J.*—We shall require lists of all the authorities cited.

*Mr. Irving.*—I think I have not cited one that is not in the printed list; you will find this one on page 3. The definition given by Mr. Justice Henry in one of the cases I have cited here will be found in 1 Cartwright, page 314:—

“‘Trade’ means the act or business of exchanging commodities by barter or the business of buying and selling for money—commerce, traffic, barter; it means the giving of one article for another for money or money’s worth.”

Then in that same case, in Burrow, it says: “A vintner, as such, cannot be a bankrupt, nor an innkeeper, nor a victualler, so a man who lives by buying only and not selling cannot be a bankrupt, or by selling only.” So if a man has a particular article he cannot be a bankrupt unless it be by general trade. An executor is not a trader when he disposes of the stock, but if he increases the stock and commences to sell, he becomes a trader. Now, here was a case of Harman and Clarkson, 22 U. C. Common Pleas, page 291, which establishes that an innkeeper is not a trader within the meaning of the Insolvent Act of 1869, but this case is decided upon the decisions in England.

*Strong, J.*—Because an innkeeper does not buy and sell again. What he sells is not merely the provisions which he purchases, but something else, the entertainment

and attendance of servants. It is not a trade, nor is a tavern keeper a trader; he provides service and attendance.

*Mr. Irving.*—Yes, my Lord, he provides service.

*Ritchie, C. J.*—Shop licenses are mentioned in this.

*Strong, J.*—A vintner is more than a wine merchant; it is a trade not known here.

*Mr. Irving.*—I thought that a vintner was a retail seller of wines. He is not, therefore, under the English decisions that I have referred to here, a trader. I likened the case of a vintner to the case of a licensed shop here.

*Strong, J.*—No.

*Mr. Irving.*—Your Lordship says no, because you think the vintner provides nothing else.

*Strong, J.*—He also provides attendance and the place in which it is to be consumed, whereas a shopkeeper is expressly prohibited by his license from doing so.

*Ritchie, C. J.*—Is not the liquor sold in the shop precisely the same as tobacco or cloth, or any other article of trade?

*Mr. Irving.*—I think so, my Lord.

*Ritchie, C. J.*—Then, why is he not a trader?

*Mr. Irving.*—Because I say the law has no right to interfere *quo* the liquor selling. I say when there is to be any legislation under “trade and commerce,” within the power of the Dominion Parliament, then it must be something affecting that which is a trade, and not only half a trade, which is a mere contract connected with it, in this instance, the contract itself. They have not any right to regulate that contract. That is not a matter of trade. The matter of trade is a wider thing, bearing upon trade generally. This is a regulation in respect of the mere contract of 10 cents for a glass of whiskey, which is not a matter of trade.

*Strong, J.*—Commerce is an expression applicable, as I understand it, exclusively to wholesale dealings.

*Mr. Blake.*—Where it comes in the list of subjects it is public matters.

*Mr. Irving.*—I refer to Bump on bankruptcy, edition of 1877, page 423, and also to Doria on bankruptcy, pages 114 and 126. Then Robson on bankruptcy: “The doing one only of the acts specified will not be sufficient to make a trading. Thus, a buying without selling, or letting for hire, at least without an intention to sell, or to let for hire, or *vice versa*, will not constitute a trading.”

Then the commercial definition of a trader is: “One who makes it his business to buy and sell merchandise or other things ordinarily the subject of traffic and commerce. In order to be a trader the person must buy as well as sell.”

*Strong, J.*—There is a reason why the Imperial Parliament should have delegated trade and commerce to the federal power, but no reason whatever why it should have delegated to the Dominion Parliament the right of regulating by legislation the police and mere shopkeeping.

*Mr. Irving.*—That just defines what it is.

*Strong, J.*—They give the Dominion Parliament power to legislate with respect to trade policies, such as encouraging or suppressing particular branches of trade—that is to say trade with foreign countries.

*Mr. Blake.*—As they are at present arranging commercial relations with Brazil and other countries.

*Strong, J.*—Not treaties, because strictly speaking we have no power to enter into treaties. There is also a reason why the Dominion Parliament should have power to regulate navigation, as connected with trade and commerce.

*Mr. Irving.*—In the view which your Lordship has, the Dominion Parliament as power to legislate on subjects affecting foreign commerce, but trade, on the contrary, means actual traffic among ourselves, or the buying and selling or exchanging of articles between members of the same community. That is the definition that is given in the Imperial dictionary.

*Strong, J.*—That means that commerce is foreign dealing and trade domestic dealing.



*Mr. Irving.*—Then, with reference to trade, in the domestic state of it, I have addressed myself to show that it does not come within that definition.

*Strong, J.*—Some American authorities speak of it as relating to those who deal with the original packages in which the goods arrived in the country.

*Mr. Bethune.*—That was inter-state commerce; once the package was broken it then became part of the State commerce.

*Strong, J.*—Yes; it becomes a mere retail traffic. By the course pursued by the Privy Council we are prohibited from looking at those United States cases.

*Mr. Irving.*—I happened to be present when an argument of this kind took place in the Privy Council, and I did not understand it in that way. What I understood their Lordships' remarks to imply was, that the British North America Act was so entirely different from the Federal and State system of the United States, that they were wholly inapplicable, but in respect of any construction which might be put upon any word or anything of that kind they might be useful, though to pursue an analogy between systems so diverse was not useful.

*Gwynne, J.*—If they call ours an American system grafted on theirs, I do not see how we can do without reference to the American authorities.

*Strong, J.*—It seems to me that in the shorthand writer's notes in the argument in Russell and the Queen their Lordships are reported as saying that they do not desire to hear American authorities cited—that they did not wish to hear Cooley cited.

*Mr. Irving.*—What I understood the remark of his Lordship to be was: "You may use it as part of your argument, but not as an authority."

*Strong, J.*—That may be the explanation of it.

*Mr. Irving.*—There is a question as to whether any parts or part only of these Acts are within the legislative authority of the Parliament of Canada. The answer that I give is that no part of the said Acts are separable from the plan, scope and character of the said Acts, so that any part or parts thereof can be brought within the legislative authority of the Parliament of Canada, for the reasons in answer to the first question of this case above set forth. There are two clauses that are not embraced in the Ontario License Act—I guarded myself by saying at the outset that there were two. I do not think they are of any moment, but perhaps it may be as well to point them out to your Lordship. One is clause 45, and reads as follows:—

"No provision in this Act contained shall affect the powers conferred on the municipal council in the Province of Quebec, of each county, city, town, village, parish and township, by the laws in force in the said Province on the 1st day of July, 1867, to restrict or prohibit the sale of intoxicating liquors in the limits of their respective territorial jurisdiction; and the said powers and the by-laws now in force passed under the authority of the said laws are hereby preserved and confirmed."

*Ritchie, C. J.*—Does the local Act of Ontario apply to the wholesale licenses?

*Mr. Irving.*—It does.

*Ritchie, C. J.*—I was rather under the impression when the case of *Severn and the Queen* was under discussion in this court that the Ontario Government did not grant wholesale licenses.

*Mr. Bethune.*—It was only under the Crooks Act it was done.

*Ritchie, C. J.*—My respected predecessor, I think, based a good deal of the effect of his judgment in that case on that fact. We had in New Brunswick the granting of wholesale licenses at that time.

*Mr. Irving.*—I can explain that if it is deemed important. Confederation, as I need not remind your Lordships, took place in 1867. Up to that time the Provinces had not imposed wholesale licenses, but they did firstly in the Province of Ontario, in 1869. Then that Act was more definitely re-enacted two years following, in 37 Vic., in language which, relating to manufacturers, brought about the case of *Severn and the Queen*. It was in consequence of that second legislation that the difficulty arose about Taylor and the Queen and *Severn and the Queen*. Then that was subsequently

abandoned with respect to wholesale dealers. The other related to brewers' licenses as well.

*Ritchie, C. J.*—That is just where I felt the difficulty, and the objection occurred to me in reading those statutes, in consequence of what was said to exist in the Province at the time. Then the argument was brought forward that that could not be the construction of the statute, because brewers' licenses and wholesale licenses were given. We had in New Brunswick both wholesale and brewers' licenses.

*Mr. Irving.*—I am now only pretending, my Lord, to give you the fact of what the legislation is. At Confederation there was no license law as against wholesale dealers in Ontario.

*Strong, J.*—Brewers' licenses were merely matters of revenue. The question was, naturally, whether other licenses than those expressly mentioned were included.

*Mr. Blake.*—By striking out the word "other," they accomplished it.

*Mr. Irving.*—I was stating that the only parts of the Liquor License Act which are different from those that I have spoken of, cannot be separated from this Act, and if the Act falls these must fall with it; that section 45, which was merely a confirming power, the effect of which I would prefer should be spoken of by one of my learned friends from Quebec. Then there is a 47th section, which provides that "No license shall be granted by the Board for the sale of liquors within the limits of a town, incorporated village, parish, township or other municipality (save and except counties and cities) when it shall have been made to appear to the Board in manner hereinafter provided that a majority of three-fifths of the duly qualified electors therein who have voted at a poll taken as hereinafter specified, have declared themselves to be in favor of a prohibition of the sale of intoxicating liquors in their locality, and against the issue of licenses therefor." That is, as it were, bringing into the Dominion Act a prohibitory local option Act as to some municipalities, but not in all, not in counties and cities, assuming that the powers which the Province has formerly had, and which are still on the Statute Book, and but for the explanation given in Russell and the Queen, of which your Lordship speaks, we claim to be still in existence. In the Ontario License Act there is still that power of local municipalities prohibiting the sale of liquor under the terms of what is called the Dunkin Act, and this Act re-enacts, as it were, something of the same nature with reference to minor municipalities. I think, my Lords, that I have expended all that I have been able to say upon this subject. I was merely pointing out that clauses 45 and 47 are the only two clauses in the Dominion License Act which are not covered by the Ontario License Act, and I went on to say that if the Act is held to be illegal (because I hold that there is proper provincial power of legislation on the same subject) that these clauses should also fall for the same reason.

*Mr. Blake.*—I beg to ask your Lordships' indulgence longer than I would otherwise in discussing this case, as the great importance of it, not only in regard to this particular manner of dealing with the liquor trade, but with regard generally to the working out of the Act, is so great, that I ask your Lordships' permission to cite authorities and spend longer over it than I otherwise would do; for it seems to me unless it is defined by your Lordships a means by which is to be abstracted from the Dominion the power which is sought for by this Act, that it will not only be in regard to this matter, but in regard to every matter, the power of the Provinces will be utterly neutralized. It will be sufficient, it seems to me, only to say that this matter affects trade and commerce, and there is scarcely a matter that we deal with from day to day that may not in some shape or form be affected by Dominion legislation; and in regard to order and good government, almost every Act that we pass has something to do with peace, order and good government. If, therefore, by these means the Dominion is to be entitled to grasp a matter and to say indirectly it deals with trade and commerce, or indirectly it will preserve peace, order and good government, I am not able at the present moment to mention a single subject that cannot be entirely withdrawn from the Provinces, and as to which, just upon the same principle that it is sought here, the Dominion may say we can legislate entirely because indirectly it affects trade and commerce; they can take it not only in a way which I submit trade



and commerce never was intended, taking a common sense view of the Act, to be used, but they can as fully as they please carry out every little detail of the matter. Therefore, we say the whole of the powers of the Province may be grasped by the Dominion and nothing left of them, and it is because of the great importance, not only in regard to this particular branch of business, but generally with regard to the Act that I shall have to ask your Lordships' indulgence to a greater extent than I would if it were a simple matter between A and B, of the every day class that is raised before our courts.

The first proposition, and I submit to your Lordships the true mode of approaching the question, is the consideration that the Liquor License Act of Ontario, which now stands against the Dominion License Act, has been declared a valid Act; that we must approach the consideration of the Dominion Act by the positive statement that, whatever may become of the Act of the Dominion, the Act of Ontario certainly stands; that it is valid; that it is within the power that the Province can do, and therefore if there is anything in the Dominion Act that interferes with the provincial Act, it is not the provincial Act that is to give way, but it is the Dominion Act that has to yield.

*Ritchie, C. J.*—How do you reconcile the fact that the Scott Act has been established as law and, as the Scott Act stands, local legislation must fall wherever the Scott Act is put in force?

*Mr. Blake.*—I do not see that that interferes at all with my argument, for reasons I intend to touch upon later on in my argument. I shall try to show your Lordship how I can see that that is not the case, just for this reason: that in approaching all those matters which are sought to be brought within trade and commerce, or within peace, order and good government, there is always a considerable debatable ground, and there will always be a large measure of difficulty in saying where is it that the Dominion can enter, where is it that it must cease; and I submit we will have to take the Scott Act in one hand and the License Act in the other, and say that although a large sweep of prohibitory law may come within the term "trade and commerce," or "peace, order and good government," still it in no way interferes with our Ontario law which, in another and lesser way, deals with that subject matter.

I say, then, that as this Ontario Act is in force, therefore *prima facie* the matters referred to there are within the control and power of the Province. We have an authoritative declaration—and I may say at the outset that although the Privy Council have sought to reconcile the judgments in the Russell case and the Hodge case, that I do not see my way to do so as clearly as their Lordships did. Of course I know it is blindness and darkness and inability on my part to say so; but if it had come from any body less learned, strong, powerful and authoritative, I would, with great deference to that body, suggest that they should say: "We have erred in the Russell case; you have given us more light upon it in the Hodge case, and there are matters present to us now that were not present to us before; we were wrong in the first case and now we will lay down what we conceive to be the true law upon the subject."

*Strong, J.*—Their Lordships may impose their authority, but they never can convince my reason that they have reconciled the two judgments.

*Mr. Blake.*—No, my Lord, they cannot get out of it by saying "you are distorting it," because the plain reading of it is that you are distorting it. I think it will be clearly brought out from the shorthand writer's notes in the case of *Hodge vs. The Queen* that your Lordship has correctly stated what, in reality, did take place there; that those portions on which the Hodge case was decided were not referred to in the Russell case, and the addenda were on that new matter that was referred to in the Hodge case. I say that the Ontario Act being now in force, it must stand, and that it is within the power of the Province, and that anything in the Dominion Act which at all interferes with that Provincial Act must give way. Then I contend that it does not interfere with or infringe upon section 91 and sub-section 2, the regulation of trade and commerce, because it comes within some of those matters which are referred to in the 92nd clause, and because coming within sub-sections 8, 9 or 13 of

the 92nd clause, it is withdrawn from sub-section 2 of section 91. The moment that the mind can grasp the idea that that Act comes within any one of the exclusive matters embraced in section 92, that moment it is withdrawn from the effect of section 91. Then, also, it is to be observed in this judgment their Lordships assign the reasons—

*Ritchie, C. J.*—If you say that Russell and the Queen was improperly decided, and that if their Lordships had then the light they had in *Hodge vs. The Queen*, they would have decided it differently; and if we decide on the principle of the decision in the *Hodge* case, must we not declare that the Scott Act is not in force?

*Mr. Blake*—I do not think that that follows at all, my Lord.

*Ritchie, C. J.*—If Russell and the Queen goes, the Scott Act goes.

*Mr. Blake*—I am rather referring to the observations that were made through the judgment in Russell and the Queen, upon which chiefly the appeal to the Privy Council in the *Hodge* case was based; and when I am speaking about the judgment in Russell and the Queen being one which is qualified and modified by the *Hodge* case, I am not so much dealing with what was the immediate conclusion on the subject matter as that the general observations of their Lordships are general observations which qualify their judgment in the *Hodge* case.

*Strong, J.*—It is sufficient for your argument that the judgment in the *Hodge* case recognizes the authority of Provincial Government to deal with the license question, and this Act is an attempt to exercise the police power by the Dominion; and as for the case of Russell and the Queen, that must take care of itself.

*Mr. Blake*—Yes; that is precisely my position. I was about to show that so far as the matter actually decided and actually in issue before the court was concerned, the Russell case may stand and the *Hodge* case may stand; but what cannot stand are the observations that were made in the Russell case, along with the decision in the *Hodge* case, and what the Privy Council sought chiefly to explain, because they say that is good law that was dealing with the general matter—that was dealing with the general matter. That was a subject not brought in the *Hodge* case; let that stand, and the *Hodge* case can also stand; but certain observations which were made use of to a large extent in the argument in the *Hodge* case are not deductions from what they said in the Russell case. We must apply those to a set of matters other than those brought in the *Hodge* case. They sought to get out of it in this way: "Those observations applied to the *Hodge* case we cannot now support, but we take those observations now and apply them to the Russell case, and limiting them in that way we say our judgment can stand." What I am dealing with chiefly—the whole of the judgment in the Russell case and the whole of the judgment in the *Hodge* case—these cannot stand together, and the only way the Council feel they could stand together is by explaining away a large portion of the Russell judgment. But as to what His Lordship the Chief Justice says, my answer is put by His Lordship Justice Strong, that the Russell case may stand, so far as the subject-matter therein in issue is concerned, and does not touch or interfere with the *Hodge* case. I desire to show your Lordships, from a passage or two in the *Hodge* case, that this legislation of the Dominion cannot stand, because the *Hodge* case has been placed in these exclusive clauses of section 92 of the British North America Act, and being placed there it is safe, and is, as it were, in a city of refuge, and even the Dominion cannot touch it when surrounded by that safeguard. The observations in the judgment show that conclusively, and therefore it must be the Dominion legislation that give way and not the legislation of this Province.

Referring to the Sessional Papers of 1884, No. 9, Vol. 17, where a return, in answer to an address of Parliament, will be found—Sessional Paper No. 30—the judgment of this court in the case of *Poulin vs. the Quebec Corporation*, and further on the whole of the proceedings in the *Hodge* case, His Lordship the Chief Justice of the Supreme Court, in his judgment in the *Poulin* case, says:—

"When in the case of the Queen and the Justices of Kings I was called upon to adjudicate on the right of the Provincial Legislatures to prohibit absolutely the sale of spirituous liquors, and I arrived at the conclusion that the legislative power



to do this rested with the Dominion Parliament, I advisedly and carefully guarded the enunciation of that conclusion in these words: 'We by no means wish to be understood that the Local Legislatures have not the power of making such regulations for the government of saloons, licensed taverns, &c., and sale of spirituous liquors in public places, as would tend to the preservation of good order and prevention of disorderly conduct, rioting or breaches of the peace. In such cases, and possibly others of a similar character, the regulations would have nothing to do with the trade or commerce, but with good order and local government, matters of municipal police, and not of commerce, and which municipal institutions are peculiarly competent to manage and regulate.'

That is your Lordship's judgment in Poulin against the Quebec Corporation, and your Lordship seems to have given in ten or twelve lines the very essence of what was the decision in the Hodge case. Then, of course, the judgments are to be found here of your Lordships Justices Henry, Taschereau and Gwynne. These are the only ones that have been printed. Then, at page 12 of this report:—

"The appellants contended that the Legislature of Ontario had no power to pass any Act to regulate the liquor traffic; that the whole power to pass such an Act was conferred on the Dominion Parliament, and consequently taken from the Provincial Legislature by section 91 of the British North America Act, 1867; and that it did not come within any of the classes of subjects assigned exclusively to the Provincial Legislatures by section 92. The clause in section 91 which the Liquor License Act, 1877, was said to infringe was No. 2, "the regulation of trade and commerce," and it was urged that the decision of this Board in *Russell vs. Regina* was conclusive—that the whole subject of the liquor traffic was given to the Dominion Parliament, and consequently taken away from the Provincial Legislature. It appears to their Lordships, however, that the decision of this tribunal in that case has not the effect supposed, and that, when properly considered, it should be taken rather as an authority in support of the judgment of the Court of Appeal."

*Strong, J.*—The Poulin case was mere police regulation; it did not relate to any taxation or fiscal matter—it was merely the hour of closing.

*Mr. Blake.*—The reason I read that from page 12 is that it put before you the fact—

*Ritchie, C. J.*—When the first case that ever came up in the Dominion, with reference to its bearing on this case, when that was decided, I had the honor of being a member of the court.

*Mr. Blake.*—It is your Lordship's judgment in that case that I have cited here. Your Lordship says: "When in the case of the Queen and the Justices of Kings I was called upon to adjudicate on the rights of the Provincial Legislatures to prohibit absolutely the sale of spirituous liquors;" and then your Lordship says so and so.

*Strong, J.*—The police power is in the Local Legislature.

*Mr. Blake.*—The reason I do that is to show that this court, with the knowledge that they had come to exactly the same conclusion as the Privy Council did in the Hodge case, with the fresh knowledge they then had, and what I have read in the Hodge case was exactly on all fours with this case.

*Ritchie, C. J.*—In the *Russell* case it was with the Local Legislature.

*Strong, J.*—If my recollection serves me right, when the first *Severa* case came before the Court of Appeal of Ontario, the case of the Justices of Kings was cited, and I said I agreed with what His Lordship, then Chief Justice of the Supreme Court of New Brunswick, had decided in the case of the Justices of Kings, namely, that although the police power, to the extent of regulation, should remain with the Local Legislature, yet the power of prohibition was with the Dominion Parliament. Now, I have said since, I think I was wrong in that, that the power of prohibition was as much a matter of police power as the power of regulation.

*Mr. Blake.*—The only possible way that the matter of prohibition could be said to be anything beyond the police power would be—

*Strong, J.*—A purely arbitrary distinction.

*Mr. Blake.*—Yes, my Lord, a purely arbitrary distinction; but if to-day one prohibitory law were passed, that swept the whole country, it might be said, by virtue of that, that it would bring it within trade and commerce; but while it is here and there left to the localities to introduce it or not, then I fail to see how it is possible to abstract it from the mere police regulations.

*Henry, J.*—Then comes the other important consideration, whether the Local Legislatures have power to levy a tax on licenses; then comes the question, whether a prohibitory Act would not be in direct opposition to that power which was given to the Local Legislature.

*Mr. Blake.*—No doubt, my Lord.

*Ritchie, C. J.*—If the Dominion Government prohibited the importation and manufacture, that would end the whole business?

*Mr. Blake.*—No doubt, my Lord.

*Henry, J.*—If the article is not imported into the country, of course the local authorities could not exercise their control to grant licenses for the sale of it; but when once it is in the country, and the duties that the Dominion levy upon it are paid, and it is in a man's warehouse in one of the Provinces, if they have the exclusive right to collect taxes from the sale of it, then comes the question, the prohibition would be in direct opposition to the power given to them to collect that revenue. It certainly is something that would be required to be adjusted and settled.

*Mr. Blake.*—I would submit to your Lordships that, for our argument to-day in this case, the question of prohibition does not come in. It is simply this: Your Lordships having held that this was a matter of police regulation, and the Privy Council having said it was a matter of police regulation, whether the Province has not the complete power to deal with it.

*Ritchie, C. J.*—Subject to the right of the Dominion Parliament to interfere with that if they exercise other powers which necessarily do interfere with it, as with reference to trade and commerce, or with reference to peace, order and good government; it would override it.

*Mr. Blake.*—That may be. What I do submit to your Lordships is this: the moment you bring this within the limit of section 92, then there is the word which heads that "exclusive," and if it is an exclusive jurisdiction, then there can be no power on the part of the Dominion to deal with it.

*Ritchie, C. J.*—We held in this court, and has not the Privy Council confirmed it as a correct proposition, that "exclusive" refers to other powers; for instance, with reference to property and civil rights, the power is given in so many words. But that is overridden to a certain extent, as for instance in the case of insolvency. There is an interference with civil rights, and we have held, and the Privy Council have held, that where the exercise of one interferes with the other of course the local must give way.

*Mr. Blake.*—It may be so, but as His Lordship Justice Henry says, some day may possibly be that some other and perhaps a larger question will be presented to the court, that is, as to when a general prohibitory law be passed, the main object being that prohibitory law, and this being an instance of it, whether the Province must not take it as one of the incidents and abandon it.

*Ritchie, C. J.*—That has been presented already in the case of the Scott Act and settles that the Dominion Government has the right to prohibit, and the Local Legislatures are now accepting that.

*Mr. Blake.*—And therefore we have a general large enactment which is brought within the words "trade and commerce," and being brought within the words "trade and commerce," gives the Dominion the right to deal, and that may sweep away the smaller matter.

*Ritchie, C. J.*—In this court, as I understand, a majority said no; we do not say the court was wrong with reference to one of the grounds, that is trade and commerce, but we do say it comes within the other, and therefore it is a good Act which must necessarily override any legislation of the Local Legislatures.



*Mr. Blake.*—Of course your Lordships have before you the fact that that Scott Act was before their Lordships when they dealt with this case of the Queen and Hodge.

*Mr. Bethune.*—So was this present Act.

*Mr. Blake.*—No; this present Act was not before them at all. The books are here and it is not referred to by any of them.

*Mr. Irving.*—All that Mr. Kerr said was that they had legislated upon the matter, but the Privy Council never saw the Act.

*Henry, J.*—If they had seen it and given the judgment they did, it would be virtually be saying that the Act had not force in the judgment of Hodge.

*Mr. Blake.*—What I desire, in the opening of this, to present to your Lordships, is this, and that is why I have read this portion here. The Privy Council has before them these two facts: the Dominion Parliament has passed an Act which is called the Scott Act; your Provincial Legislature has passed an Act which is called the Liquor License Act, and the question brought before us now is, having dealt with that Scott Act, and being asked to deal with this: is this Liquor License Act in force or is it not, and they take up these matters and say:—

“The appellants contended that the Legislature of Ontario had no power to pass any Act to regulate the liquor traffic; that the whole power to pass such an Act was conferred on the Dominion Parliament, and consequently taken from the Provincial Legislature by section 91 of the British North America Act, 1867; and that it did not come within any of the classes of subjects assigned exclusively to the Provincial Legislatures by section 92. The clause in section 91, which the Liquor License Act, 1877, was said to infringe, was No. 2, ‘the regulation of trade and commerce,’ and it was urged that the decision of this Board in *Russell vs. Regina* was conclusive, &c.”

So that the Privy Council had expressly before it the fact that this Province is contending that the Provincial Legislature has passed an Act which it has the power to pass. The Dominion says: “No, that is not so, because it is an interference with the regulation of trade and commerce,” and they proceed to say:—

“It was urged that the decision of this Board in *Russell vs. Regina* was conclusive—that the whole subject of the liquor traffic was given to the Dominion Parliament, and consequently taken away from the Provincial Legislature.” Their Lordships say it should be taken rather “as an authority in support of the judgment of the Court of Appeal.” So that my first proposition is that the Hodge case raised distinctly the position, a provincial dealing and a Dominion dealing, difficulties in the way of a Province dealing because of certain rights given to the Dominion; and what is to be the decision upon that. Then I give your Lordships one or two further citations from this, to show that they had before them this question of trade and commerce, and the question of peace, order and good government, and that, considering all of those, they still concluded that the Province had the right to pass this Act, for they say—and this is the way they answer the difficulty in the *Russell* case:—

“The sole question there was whether it was competent to the Dominion Parliament, under its general powers, to make laws for the peace, order, and good government of the Dominion, to pass the Canada Temperance Act, 1878, which was intended to be applicable to the several Provinces of the Dominion, or to such parts of the Provinces as should locally adopt it.” So your Lordships perceive—

*Strong, J.*—One of their Lordships puts the question to the counsel, so impressed was he with the subject of it: “Do you mean to contend that by generalizing a power expressly given to the Provinces, you can make it a Dominion power?” Yet it seems to me that that passage does go to that effect. They say, in *Russell* and the Queen, that the law being a general law, applicable to the whole Dominion, that that was the reasons why they held it to be within the powers of the Dominion Parliament. Granting that, if it be confined to a single Province, it would be within the competence of a Provincial Legislature, is not that a fair construction of that passage?

*Mr. Blake.*—Yes, my Lord, that is a fair construction of that passage, as it stood in Russell and the Queen.

*Strong, J.*—It is the explanation of Russell and the Queen given there.

*Mr. Blake.*—No, my Lord, because your Lordship will find that they repudiate that idea.

*Strong, J.*—If that is so, it is open to the argument which Mr. Irving pointed out this morning, that the whole of the powers of the Provincial Legislatures would be merely illusory, because they could be suspended at any time by the passage of a general law.

*Mr. Blake.*—And for that very reason your Lordship will remember section 94 of the Act was passed.

*Gwynne, J.*—The observation of the Privy Council applied to trade. Any general law affecting trade and commerce would govern the whole of the Provinces; but it does not follow that that would deprive them of all other powers.

*Henry, J.*—Can it be too well remembered that the object of that Act was to render each Parliament independent of the other, and that the powers conveyed by the Act to each were to be exercised where the other did not exist.

*Mr. Blake.*—That, I understand, is covered by the word “exclusive;” there is no force in it. But to show that there was to be no such idea of saying “we will generalize,” why, my Lord, if that is to be so, they may pass an Act saying the tires of our waggons must be of a certain width.

*Gwynne, J.*—That does not follow, because that would not be a matter of trade and commerce. To deal with the traffic in liquor, it is a question of trade, if it deals with the whole Dominion.

*Henry, J.*—Could they give effect to that enunciation without taking with it the condition that the subject matter has been given to the Local Legislatures?

*Mr. Blake.*—I am glad that his Lordship Justice Gwynne says it would not come under it, because it does not come under trade and commerce.

*Gwynne, J.*—Or peace, order and good government. I am only saying their observations do not go the length that you would press them—that because they held that in the liquor traffic, therefore the Dominion would be able to deprive the Local Legislatures of all other powers.

*Mr. Blake.*—I just ask your Lordships to take nothing beyond the factum in this case, to show to what extent the Dominion will, if it is allowed, carry this principle:—

“It is further submitted that the regulation of the hotel system throughout the whole of Canada is not a matter of a merely local or private nature, but that the whole travelling public throughout the Dominion are greatly interested in the proper regulation of the hotel system, and that it ought not to be left to merely local or municipal control.”

So, under this hallucination of trade and commerce, they virtually say that in every hamlet and every village throughout the Dominion each hotel must have so many beds and so much horse accommodation, extending the words trade and commerce down to every matter of detail throughout our whole land. Now your Lordships see it could not be extended to that. I simply show to your Lordships that in this case they say we should have this full and complete control, because the trade and commerce of this land demands it, and what I was going to do was to show what a *reductio ad absurdum* this is, because if we are able to say, that at the cross roads there that hotel is to have four or five bedrooms and so much horse accommodation—that it greatly affects our trade and commerce—we can say because you have not got wheels with such a tire they greatly cut up our roads and affect our trade and commerce, and your street railways must have a particular flange of a certain size, and in this way they could take possession of the minutest matter, because it refers to trade and commerce. The section I was referring your Lordships to was 94; when they desired to produce uniformity and when they desired to generalize there was no power based on that to make a law uniform, because it is expressly said there you cannot have uniformity in the law unless all the Provinces assent to the Act that you



pass. Section 94 (it is under "Uniformity of laws in Ontario, Nova Scotia and New Brunswick") is as follows:—

"Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and of the procedure of all or any of the courts in those three Provinces, and from and after the passing of any Act in that behalf, the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada, making provision for such uniformity shall not have effect in any Province unless and until it is adopted and enacted as law by the Legislature thereof."

So they say instead of this idea of uniformity, or having a general law running from one end of the Dominion to the other being sufficient to deprive the Provinces of the right, you cannot do that unless all the Provinces agree to it. Then, I ask your Lordships' attention, because I think also this is extremely useful in this aspect of the case, to the portions I am about to give your Lordships from the judgment—

*Strong, J.*—This is restricted to property and civil rights and procedure. There may be many subjects beyond this and not included in this which are included in the words "peace, order and good government."

*Mr. Blake.*—I am simply showing—

*Strong, J.*—I am merely saying that when there should be legislation with the consent of the Provinces it is expressly referred to.

*Gwynne, J.*—There should be no inference.

*Mr. Blake.*—I submit that section 94 is a good answer to the argument that, because you desire a general law, because the Dominion desires to pass a general law, on the ground that it is well to have uniform legislation, and therefore that everything else must give way, that is not the case, because it would be useless to have 94 if that was the turning point.

*Gwynne, J.*—In those cases the Dominion cannot act without the consent of the provinces.

*Mr. Blake.*—I do not know that it is so.

*Strong, J.*—That section, 94, recognises this principle, that the primary right of the Local Legislatures are not to be infringed on without their own consent; that is given by 92.

*Mr. Blake.*—That is what I refer it to, your Lordship.

*Henry, J.*—It goes further and provides for legislation if necessary. Without that special provision Parliament could not do it; the Local Legislatures could not do it—the whole of them together could not do it without that provision.

*Mr. Blake.*—No, my Lord, so as to subserve the rights of the Provinces. At pages 13 and 14 of this book, just to show what it is that their Lordships bring forward as reasons that the little details of the Act could never be intended as the Dominion Act, they say:—

"These seem to be all matters of a merely local nature in the Province." These matters are all relegated to the Provinces, and also you find here authority for this proposition that you must look at what was the essence of the Act, what was the main matter of legislation, and see whether the main matter of legislation is one that is within the grasp of the Dominion or of the Provinces, and if it is within the grasp of the Dominion, then I grant some little matters may be carried into it, and if it is in the grasp of the Provinces, then whatever is necessary to carry that out and to make it workable is given. These two or three matters, on pages 13 and 14 of the Sessional Papers, the judgment in the Hodge case, Vol. 17, No. 9, Paper 30—these are very plainly and distinctly carried out.

*Mr. Irving.*—It is in 9 Law Reports Appeal cases.

*Mr. Blake.*—I am giving this because there are the shorthand writer's notes. I say the general scope of the Act must be looked at. It says:—

"It was in that case contended" (referring to the Russell case again) "that the subject of the Temperance Act properly belonged to section 92, No. 13, 'property

and civil rights in the Province,' which it was said belonged exclusively to the Provincial Legislature, and it was on what seems to be a misapplication of some of the reasons of this Board in observing on that contention that the appellants' counsel principally relied. These observations should be interpreted according to the subject matter to which they were intended to apply." Then his Lordship continues:—

"What Parliament is dealing with in legislation of this kind is not a matter in relation to property and its rights, but one relating to public order and safety. That is the primary matter dealt with, and though incidentally the free use of things in which men may have property is interfered with, the incidental interference does not alter the character of the law."

Now, the reason that I ask your Lordships kindly to note that is the scope of the Act, because we have got the Ontario Liquor License Act, which has a well defined scope, which has a scope as to which he that runneth may read, and when we take up the Dominion Act it goes almost slavishly into all those details. We find therefore, an Ontario Act, which has plainly the scope of dealing with this local matter, dealing with it in regard to all the details necessary, and we get only within the scope, as the Privy Council says, of the Province, and the moment you get an Act which deals with those details, which goes into the matter in the same way, it is conclusive of the proposition that it is one which, in its scope, was intended to deal with the same matter.

*Strong, J.*—It never could have been intended by the Imperial Parliament that this power of legislation should co-exist in both, that the tavernkeepers should be harassed by double legislation. That is out of the question; it must be either with one or the other.

*Mr. Blake.*—That is the way—which is the third I have in my memorandum—of reaching up to that point, of comparing the two. The next citation I have shows that because of the subject matter—

*Strong, J.*—As regards the tax for revenue, that is another thing altogether. We have nothing to do with that.

*Mr. Blake.*—I will further give your Lordship what may be my idea of that.

*Strong, J.*—That is the subject matter in several cases, but in this case it was the Crooks Act which was the subject of the decision in Hodge and the Queen, an Act providing minute regulations, police regulations. The two cannot co-exist. The Crooks Act and this cannot co-exist, although they may not clash.

*Gwynne, J.*—One thing before us is, whether the Privy Council have not, by their different decisions, established that the two cannot co-exist, whatever we might think independent of their judgment.

*Mr. Blake.*—The two can, my Lord. I think the Privy Council thought the judgment would be distorted, but they would be amazed if it were distorted in that way. They would give a fresh explanation of it, I think.

*Henry, J.*—I would like to know, in view of that very point, what does the beginning of the 92nd section mean—"In each Province the Legislature may exclusively make laws, &c." If they can make laws exclusively, how then can any power come in to interfere with that exclusive right?

*Mr. Blake.*—It begins with the idea of distribution—I give so much to one and so much to the other, and the very heading of that is "exclusive powers."

*Henry, J.*—That is, exclusive powers to deal with those several subjects, to be effected, to a certain extent, as far as might hereafter be decided by the courts to be necessary to carry out trade and commerce and navigation and shipping.

*Mr. Blake.*—It may be there will be for some time a piece of debatable ground as to which there will be a great deal of difficulty, but the whole idea that pervades that Act is—you have exclusive power there, and I have exclusive power here, and where that can be worked out, it is to be worked out.

*Henry, J.*—We have had nineteen years of it, and I do not know that any case of that kind has arisen yet.

*Mr. Blake.*—My point is that your Lordships are to look at the whole scope of the Act and to get the essence from it, and, looking at this, they say this: we must



look to the subject matter of it, to see if it really falls to the Province or to the Dominion, and what do they say? Their Lordships reason on that part of the case (Russell and the Queen), and say:—

“The true nature and character of the legislation in the particular instance under discussion must always be determined, in order to ascertain the class of subjects to which it really belongs. In the present case it appears to their Lordships, for the reasons already given, that the matter of the Act in question does not properly belong to the class of subjects, ‘property and civil rights,’ within the meaning of sub-section 13.”

Your Lordships see, omitting clauses 8 and 9, and going down only to clause 13, which was the clause upon which Russell and the Queen was really argued, it then proceeds:—

“It appears to their Lordships that Russell *vs.* The Queen, when properly understood, is not an authority in support of the appellants’ contention, and their Lordships do not intend to vary or depart from the reasons expressed for their judgment in that case. The principle which that case and the case of the Citizen’s Insurance Co. illustrates is, that subjects which in one aspect and for one purpose fall within section 92, may, in another aspect and for another purpose, fall within section 91.”

“Their Lordships proceed now to consider,” having dealt with Russell and the Queen, to take up this, “now proceed to consider the subject matter and legislative character of sections 4 and 5 of ‘The Liquor License Act of 1877, chap. 181, Revised Statutes of Ontario.’ That Act is, so far, confined in its operation to municipalities in the Province of Ontario, and is entirely local in its character and operation.”

Now, I submit that that is very material, because it says it is local in its character, that is from the class of matter it is dealing with; from its peculiarly local character it goes into every ramification into the smallest minutiae, and, therefore, because of its character, it is of a class that is brought inevitably into the Province, and being there brought, is brought without the Dominion. “It authorizes the appointment of License Commissioners”—it goes on to give the instances why they think, notwithstanding the Russell case, this does come within the Province and is excluded from the Dominion—“to act in each municipality, and empowers them to pass, under the name of resolutions, what we know as by-laws, or rules to define the conditions and qualifications requisite for obtaining tavern or shop licenses for sale by retail of spirituous liquors within the municipality; for limiting the number of licenses; for declaring that a limited number of persons qualified to have tavern licenses may be exempted from having all the tavern accommodations required by law, and for regulating licensed taverns and shops; for defining the duties and powers of license inspectors, and to impose penalties for infraction of their resolutions. These seem to be all matters of a merely local nature in the Province, and to be”—and this I think is a matter of very great importance, because here they begin to get an idea of what is covered by section 8, that is, what was the municipal law of this land when they agreed upon Confederation, and when they chose to make, as one of the safeguards, this provision, that we are to have exclusive control of our local matters—“and to be similar to, though not identical in all respects with, the powers then belonging to municipal institutions under the previously existing laws passed by the Local Parliaments.”

Now for the first time it seems to have come before the Privy Council that there were municipal institutions, that the Provinces had guarded their rights as to those municipal institutions, and what the Local Parliament had done was simply to enact that which, prior to 1867, was what they might have done. They proceed:—

“Their Lordships consider that the powers intended to be conferred by the Act in question, when properly understood, are to make regulations in the nature of police or municipal institutions of a merely local character, &c.”

I say, that the moment the court comes to the conclusion, in reading this Act, as the Privy Council did, that the Dominion has no power whatever to deal with that subject matter, that the very fact of concluding that the very essence of the Act is, as given here, to make regulations of a merely local character—the moment that is

grasped, then it has exclusive power, then it simply re-enacts what we had before 1867, and all the powers of the Dominion cannot wrest that from the Provinces.

*Strong, J.*—That is to say, the exclusive powers to make laws regulating the police, as to taverns, is in the Local Legislatures?

*Mr. Blake.*—Yes, my Lord.

*Strong, J.*—That is, as to police regulations in the Province. The only question is, whether, when that is generalized and made applicable to the whole Dominion, the Dominion Parliament can have it—in other words, the power of nullification is possessed.

*Mr. Blake.*—And my learned friend says—and I will take his statement for this branch of my argument—that the fact that the Dominion Parliament had passed an Act which was similar in its terms to the Crocks Act was before the Privy Council at the time the Hodge case was argued; that being so, they knew that the Dominion had sought to take from the Provinces this power of making a general Act, and notwithstanding that, they say “your provincial Act is good.”

*Mr. Bethune.*—No; they expressly say they will not express any opinion.

*Ritchie, C. J.*—They may denude the Provinces of this Act collectively where they cannot do it separately?

*Mr. Blake.*—Yes, my Lord; that although you have exclusive power to deal with that, we will abrogate the whole by one sweep, by putting in all the Provinces together. Now, the Privy Council say that that cannot be done, because you have grip of it by the very nature of it, and that cannot be taken from you. My learned friend says the Dominion Act was passed and declared good, but the other Act is good, because the subject matter of the legislation itself is in the power of the Provinces, and it cannot be taken from them.

*Strong, J.*—Then, a very strong argument is drawn in your favor against any such power of generalization from that section 94, which you read awhile ago. I say that, while the local powers might be generalized by the Dominion Parliament, the assent of the Local Legislatures must be obtained to it.

*Mr. Blake.*—Then, proceeding with this, the judgment continues:—

“As such, they cannot be said to interfere with the general regulation of trade and commerce”—and your Lordships will observe the only ground on which the legislation was allowed to stand—“they cannot be said to interfere with the general regulation of trade and commerce, which belonged to the Dominion Parliament.”

That is to say, having in view the fact that the Dominion has certain powers they may claim it, because of the specific nature and character of these. It cannot be said to interfere with that general large sweep of matters which is covered by trade and commerce.

*Ritchie, C. J.*—Then they have, from this discussion, so far as their decision goes, eliminated this question of trade and commerce.

*Mr. Blake.*—Yes, my Lord, and the moment they take this, and place this in section 92, then it is abstracted from trade and commerce; and that is the reason because this Hodge case was argued for some three or four days, at considerable length, and the question for the court was, from the nature of that Act: is it a matter that the Province has the power to grasp? If, from the nature of the Act, it has the power to grasp, then none of these general words can abstract that power from the Province; and that is the reason they go into the details of the Act to show that from the inherent character of the Act, it must be one that is part and parcel of the legislation of the Provinces, and, therefore, does not come within “trade and commerce.” I ask your Lordships to be good enough to note, while dealing with this question of trade and commerce, that one of their Lordships, referring to trade and commerce, said: You must take it in a great deal larger signification than these little details and you must look at the place it is put—*noscitur ex sociis*—and put it under the enumeration, “the public debt and property;” the next, “the regulation of trade and commerce;” the third, “the raising of money by any mode or system of taxation;” the fourth, “the borrowing of money on the public credit”—and so we go



classes of subjects which, from their general character, are spread over the whole Dominion; and you get this, "the regulation of trade and commerce."

*Ritchie, C. J.*—With reference to the question of prohibition, I was very forcibly impressed with this consideration: that if the Provinces have the right to prohibit, and if each and every one of the Provinces prohibit the sale, how largely that would affect the public interest in the matter of revenue; because, if there could be no sale of those articles, from which so much of the revenue is derivable by the Dominion, it might materially interfere with the finances of the Dominion.

*Strong, J.*—That is answered—if it is not high treason to refer to American authorities—by the decision of the Supreme Court in the case of liquor license laws there. It was argued that the importation duties which were payable to the general Government would be affected by prohibitory legislation in the States; but they held, nevertheless, that the States might use that power, not to prohibit the importation, but to prohibit internal trade. They allowed them to affect internal trade by prohibiting the sale.

*Mr. Blake.*—It may be that there is incidentally interference, but what they say is, when you look at the primary matter, which you are to look at, these incidentals are not to be taken as the test.

*Strong, J.*—The Dominion has the great power of nullifying the powers and laws of the Provinces. In the United States the reserve power is with the States, and all the specially delegated power is with the Federal Government. We have a power in the general Government here which entirely guards them against interference from the Local Legislatures.

*Mr. Blake.*—On page 14 of this judgment their Lordships say:—

"The subjects of legislation in the Ontario Act of 1877, sections 4 and 5, seem to come within the heads Nos. 8, 15 and 16 of section 92 of British North America Statutes, 1867.

"Their Lordships are therefore of opinion that, in relation to sections 4 and 5 of the Act in question, the Legislature of Ontario acted within the powers conferred on it by the Imperial Act of 1867, and that in this respect there is no conflict with the powers of the Dominion Parliament."

*Strong, J.*—It has always struck me that those words "the regulation of trade and commerce" had reference to regulations of a fiscal, or what may be called an economic and fiscal character, and did not apply at all to these police regulations. These regulations, for the purpose of maintaining peace, order and good government, which are generally called police regulations, had nothing at all to do with them. Granting that it applied to trade in all its branches, wholesale as well as retail, yet it only applied to trade in those aspects, economic and fiscal.

*Mr. Blake.*—I suppose it applies to such regulations as refer to cattle from a foreign country passing through the Dominion, and matters of that kind, that have to do with the whole Dominion, and not to those small matters which, indeed, if this be taken, it will be impossible to say if there will be any residuum of control in the Provinces with regard to any matters at all. Then, again, they distinctly say, and I think this is very material on the question of any authority on the part of the Dominion:—

"Authority as plenary and as ample within the limits prescribed by section 92 as the Imperial Parliament in the plenitude of its power possessed and could bestow. Within these limits of subjects and area the Local Legislature is supreme."

That is their Lordships' idea of what is supreme. So your Lordships see that first they take hold of this ground—what is the subject matter of that Act? The second ground is—that the subject matter of that Act brings it distinctly in the Province; and the third is—within these limits of subjects and area the Local Legislature is supreme; and therefore we get the idea of exclusion, which is in both the 91st and 92nd sections:—

"Within these limits of subjects and area the Local Legislature is supreme, and has the same authority as the Imperial Parliament, or the Parliament of the Dominion would have, &c."

Then again your Lordships will find, at the top of page 15, another line and a-half which I have marked—"many other objections were raised on the part of the appellant as to the mode in which the License Commissioners exercised the authority conferred on them, some of which do not appear to have been raised in the court below, and others were disposed of in the course of the argument"—what is the answer of their Lordships to that?—"their Lordships being clearly of opinion that the resolutions were merely in the nature of municipal or police regulations, in relation to licensed houses, and interfering with liberty of action to the extent only that was necessary to prevent disorder and the abuses of liquor licenses."

So they say these were in the nature of municipal or police regulations. What I submit again to your Lordships is this: if these are in the nature of municipal or police regulations, and as counsel have stated they are, then in this Dominion Act they have almost *verbatim* the same provisions—they are really identical—that the very force of the language that casts this within the Province takes it from without the Dominion, and the moment we have it found that this Act deals with the municipal or police regulations, the very same force which gives the Provinces the power to deal with it takes from the Dominion the right to deal with the matter.

*Strong, J.*—That seems to be the key to the interpretation of the whole Act as to the distribution of powers; that is, what is given to one is taken from the other exclusively.

*Gwynne, J.*—The whole of this Act was passed in consequence of decisions of the Privy Council.

*Mr. Blake*—So it is said. My learned friend will argue that, to endeavor to have some leg on which to stand.

*Strong, J.*—I do not hesitate to say now that I think Russell and the Queen entirely authorized this Act if it is taken alone. If it had not been followed by Hodge and the Queen, I think it forms the basis for this Act.

*Henry, J.*—In giving my judgment in the Fredericton case, I think I stated that if that Act were declared to be legal the power was entirely gone from the Local Legislatures to deal with the subject in any way.

*Strong, J.*—It is what we say in the case of Russell; the Privy Council did not notice this sub-section 8 of section 92. The counsel had not argued it, and they did not notice it in their judgment, yet in my brother Henry's judgment the point was put on that, and on that they afterwards decided, in Hodge and the Queen, that the power belonged exclusively to the Local Legislature.

*Henry, J.*—I held that licenses were given by express legislation, and the Legislature that passed that Act could not have meant to give that power to the Local, to put it down in that explicit manner, and to put something in as reserved to the Dominion Parliament, which would enable them to do away with that *in toto*.

*Ritchie, C. J.*—The court held that that view was not correct.

*Strong, J.*—They might have noticed it, because they afterwards based their judgment in Hodge and the Queen on that very point.

*Mr. Blake*—Of course we are perfectly aware of the fact that Mr. Benjamin, who was to have argued Russell and the Queen, was engaged in the House of Lords and was not able to be present.

*Mr. Bethune*—He was there.

*Mr. Blake*—He came in at the end, the junior having almost admitted that he did not know anything about the case, and reading chiefly from the book. The Mr. Benjamin came in at the close and made some general observations, and the case was left in that way. But what I do think—and no doubt it has passed through your minds—you will say is this: That the Privy Council was justified in saying that the case of Russell and the Queen can stand, because that was a matter of prohibition and not affecting the details, but what they do say is this: "You have based your appeal in Hodge and the Queen upon some observations that were made in Russell and the Queen, general in their terms, but so far as those are concerned you are to apply them only to Russell and the Queen, and to that particular subject-matter and not beyond it."



*Ritchie, C. J.*—I was very much impressed with the observations made in reference to this case, that there was not one expression of opinion that has shaken my conviction as to the soundness of the judgment in *Russell and the Queen*.

*Strong, J.*—All I say in my proposition is, and I make it with great confidence, that no one can satisfactorily reconcile *Russell* and the Queen and Hodge and the Queen without drawing a distinction between prohibition and regulation as arbitrary as between the drinking of one kind of liquor and the drinking of another. I am far from impugning or intending to impugn the decision of this court in *Russell and the Queen*. I do not agree with the decision in *Russell* and the Queen; I think the reasons are insufficient and weak. To my brother, the learned Chief Justice, and my learned brethren, who are familiar with the laws of the country, I concede the fullest authority, but judges sitting in a foreign country, who know nothing about our institutions or laws, I venture to say, although they constitute a higher tribunal and one to whom an appeal lies from this court to them, my reason will not go with them. I do not for a moment presume to throw any discredit on the decision of this court in *Russell and the Queen*, which went on altogether another ground.

*Mr. Blake.*—My statement is that *Russell* and the Queen may stand or fall without in the slightest degree interfering in the decision of Hodge and the Queen.

*Gwynne, J.*—I can understand the Privy Council thoroughly; I do not think they are inconsistent in their judgments in these two cases.

*Mr. Blake.*—I say nothing further on that. I have gone carefully over the whole of this report of Hodge and the Queen; it involves 140 pages of reading, and I will give simply a few pages which I think are material. The next one to which I shall refer will be found at page 26 of this report, where the learned Chief Justice Allen says:—

“Had this Act prohibited the sale of liquor instead of merely restricting and regulating it, I should have no doubt about the power of the Parliament to pass such an Act; but I think an Act which, in effect, authorizes the inhabitants of each town and parish to regulate the sale of liquor and to direct for whom, for what purposes and under what conditions spirituous liquors may be sold therein, deals with matters of a merely local nature, which, by the terms of the 16th sub-section of section 92 of the British North America Act, are within the exclusive control of the Local Legislature.”

Then he is dealing with the other Act, and Sir Richard Couch says:—

“Their Lordships said in that case, from the nature of that Act, it could not be created as a matter of local nature.”

*Mr. Kerr.*—They said so, and if not in that, *a fortiori* in this.

*Sir Richard Couch.*—It was to regulate the trade throughout the Dominion and was not made local because of the option to put it in force in particular places.”

*Strong, J.*—Who is Sir Richard Couch? Is he a judge or counsel?

*Mr. Blake.*—Sir Richard Couch is an East India judge, and one of the members of the Privy Council. What he says is, that one was simply without all these little details to regulate the trade, and the other was one of detail. Lord Fitzgerald says, on page 27:—

“There is no conflict between the Act of 1878 and the local option Act. They may co-exist and do co-exist. Your position is this: That the Provincial Legislature could not pass any Act at all regulating the sale of spirituous liquor within the Province. For instance, if they passed an Act in this form: ‘Be it enacted that no license dealer in spirituous liquors shall keep his shop open from Saturday evening until Monday morning,’ that is *ultra* the power of the Provincial Legislature and must go to the Dominion.

*Mr. Kerr.*—Yes.

*Lord Fitzgerald.*—That would be carrying *Russell vs. The Queen* a long way.

*Sir Richard Couch.*—That was certainly not decided in *Russell vs. The Queen*.

*Sir Robert Collier.*—In *Russell vs. The Queen* there was no possible question that the Act could not have been passed by the Local Legislature. It applied to the whole of Canada.

"*Mr. Kerr.*—The question was argued that a similar law might have been enacted with reference to each Province and, therefore, if that was so, it was a matter assigned exclusively to the Provincial Legislature, and it could only be so if it was assigned to the Provincial Legislature. In other words, the Provincial Legislature could only adopt such an Act if it was a matter assigned exclusively to it.

"*Sir Arthur Hobhouse.*—*Russell vs. The Queen* does not intend to decide that the subject is one attributed to the Provincial Legislature the Dominion can get seizure of it, extending the extent of it beyond the Provinces."

So we get back every way just to that point; the moment you see from the essence of that enactment it is brought within the Province, then by no possibility can the Dominion get seized of it.

*Strong, J.*—It is a great pity they did not embody that in their judgment.

*Gwynne, J.*—There is nothing in *Russell* and the Queen that would lead to that.

*Mr. Blake.*—In answer to his Lordship Justice Strong I may say I have marked in this copy the passages of this judgment which I think are the delivered judgments, and which I think fully substantiate these statements that have been made, not by one of the judges merely, but by three of the five judges who sat in judgment on it.

*Gwynne, J.*—What they say there, in the argument, is of no consequence, because they all concur in the judgment, but one.

*Mr. Blake.*—You have gotten the essence of these observations in the judgment itself.

*Ritchie, C. J.*—We cannot pay serious attention to what is said in the argument unless it is embodied in the judgment. I am told that when the case was cited afterwards in the Privy Council, one of the learned judges said: "Yes, but there was a very strong minority in the judgment." It seems a very unsatisfactory way to do with a decision.

*Strong, J.*—It was in the Western Counties Railway case that it was said there was a very strong minority.

*Henry, J.*—I do not see why we should not cite an argument before the Privy Council as well as we pay attention to the remarks made by a judge in one of the ordinary courts during an argument. They are not of less value.

*Mr. Blake.*—I simply gave that as showing that a particular matter had been raised, but if your Lordships will allow me to read again from the judgment, you will find that it is covered by the judgment of all the judges:

"Authority as plenary and as ample within the limits prescribed by section 92 as the Imperial Parliament in the plenitude of its power possessed and could bestow. Within these limits of subjects and area the Local Legislature is supreme."

*Ritchie, C. J.*—This court has held the same opinion. I have enunciated, as far as my humble judgment could do, the very same doctrine in cases before this court.

*Mr. Blake.*—I have read this just to show that the Supreme Court and the Privy Council were at one in regard to this matter—as to a matter or particular matter, because of the nature or essence of it being within the Provinces, that when those matters are within the Provinces they are supreme.

*Gwynne, J.*—Does it come within that which is given to the Provinces? If it does, then it belongs to the Local Legislature.

*Henry, J.*—Unless it is decided that the word exclusive does not mean what we generally understand it does.

*Mr. Blake.*—It is useful also to show that the idea made its appearance in the minds of the Privy Council at page 32, when Sir Arthur Hobhouse says: "I understand that when the British North America Act was passed the municipalities had the power of licensing and general regulation." That idea became apparent then to the court. Then a great deal of the case went on the question of punishment. Your Lordships will find, at page 60:—

"*Lord Fitzgerald.*—That would make the Dominion Parliament pass a law neither for trade or commerce or for good order or public safety. I do not under-



and how you can argue that regulating the hours at which public houses should be closed is a matter of a public nature and within the power of the Dominion Parliament.

*Sir Barnes Peacock.*—Would not that come within section 9, regulating shop, saloon, tavern and auctioneers' licenses?

*Sir Richard Couch.*—It is not put in *Russell vs. The Queen* as regulating the trade. It is put upon promoting temperance as a matter of general order.

*Sir Robert Collier.*—We do not expressly dissent from the view that it was under the powers and regulations, but it is put upon the grounds that it implies to all the subjects in the Dominion.

*Sir Barnes Peacock.*—It is a general Temperance Act, passed by the Dominion."

*Henry, J.*—It appears to me that that was the object of giving it to them—to enable them to raise a revenue. The Provinces, through their municipal institutions, had been deriving large revenues, thousands of dollars, from this source, and it was so much saved from the general expenditure of the Province, and it went in to supply great many of the wants which would otherwise have to be supplied by the Legislature. It was intended, I think, that that should be left to the Provinces as a means of revenue, and that being the case, they should have control of it.

*Mr. Blake.*—If your Lordships will look at sub-section 3 of section 91—that is the raising of money by any mode or system of taxation—that is given to the Dominion, and I submit to your Lordships that sub-section 9 of section 91 should be read in with section 8, and that will show that the Provinces are given full power, so far as municipal institutions are concerned, lest it should be said that the Provinces possessed that power but could not impose taxes under it because of the power given to the Dominion in sub-section 3 of section 91—because sub-section 9 of section 92 says you are to have full power of municipal matters because you have the power to tax by issuing licenses.

*Henry, J.*—Before Confederation there were brewers' licenses, issued by the Government, to brew beer. They were separate and distinct from the licenses for the sale of liquors in taverns and saloons. When the case of *Severn* and the *Queen* came before this court, I, with a majority, held that inasmuch as trade and commerce and the licensing of brewers was licensing of a general trade, and had been so, as separate from municipal institutions previously—the majority of the court were of the opinion that the peculiar circumstances in existence at the time of Confederation were such as gave the Government the right, as a question of trade and commerce, to license these distillers, these large manufacturers of those different articles, and if the Local Legislature had at the same time the right to put a further tax upon them, it would, to that extent, neutralize the power given to the Dominion Parliament to exact the full sum that might be necessary in their view. For instance, if the establishment could bear only \$200 for license, and could not afford to pay any more, and the Dominion had already imposed \$100, and the local authorities imposed another \$100, the second \$100 would be so much taken away from the revenue of the Dominion, and the same rule would operate in the opposite direction here.

*Ritchie, C. J.*—Do you contend for the right to levy a tax on those also?

*Mr. Blake.*—My first impression was very strongly in favor of the proposition that they had the right to do it. On thinking it over, however, I think it is very doubtful, for very much the same reason, not being aware at all of what his Lordship Justice Henry has stated of what passed; but on looking at what may be the result, it was going to submit to the court, in due course, this proposition: We have gotten nearly as to shop, saloon, tavern, auctioneer and other licenses, the right to tax to raise a revenue; supposing, therefore, the Local was here to license, and charge \$200 for it, and that the Dominion came in and said, "We will charge \$500 for the license," then might not that interfere very much with the revenue of the Province? The people would say, "We cannot pay \$200 and \$500," and virtually they drive that business out of the Province and take from it a revenue.

*Ritchie, C. J.*—Would not that same argument apply to direct taxation by the Dominion and by the Local? The powers are concurrent, of course.

*Strong, J.*—There cannot be a question about that.

*Mr. Blake.*—It is a question as to whether section 9 is not to be so read as that these, being matters exclusive to the Province, and the Province having that exclusive right, they cannot say to the Dominion, "You are interfering, because we would have five hundred tavern keepers——"

*Ritchie, C. J.*—You must read it with this—"Notwithstanding anything in this Act, the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated," and amongst them——

*Mr. Blake.*—But your Lordship sees that the exclusive legislative authority of Parliament is not given to this.

*Ritchie, C. J.*—But it is given to this, that they may levy taxes by any mode or system they choose.

*Mr. Blake.*—Your Lordship no doubt has given the true reading to it, but what I was submitting to your Lordship is this: that you cannot read, in that section 91 which your Lordship has just read—you cannot read that as absolutely as it appears to be there written, that the exclusive legislative authority of Parliament extends to raising money by any mode or system of taxation, because we find that there is an exclusive power given in section 92 to the Provinces to the raising of a revenue for "provincial, local or municipal purposes."

*Strong, J.*—I noticed in my judgment in *Severn* and the *Queen* that the Dominion Parliament has plenary powers of taxation, that is to say, they can tax directly or indirectly, in any form they choose, but the Legislatures of the Provinces are directly restricted in their powers of taxation to direct taxation and indirect taxation in the way of licenses as named—for provincial, local or municipal purposes.

*Mr. Blake.*—It may be well to observe that there has been this reading put upon it; I do not mean to say authoritatively at all, but in the Acts as they have passed there is no comma after licenses. If it be read in one way, then the earlier portion of section 9 is more intimately read into section 8, and the municipality, in so far as shop, saloon, tavern, auctioneer and other licenses, stand just as it did before with an absolute power. With regard to the raising of a revenue such licenses may be used for that purpose.

*Strong, J.*—I think that is a strong argument. The sources of a revenue given to the Provinces were so small that there was only direct taxation, or the subsidies given by the Dominion and indirect taxation by licenses. It cuts down the exclusive power of taxation.

*Gwynne, J.*—In section 91 it refers to the mode of imposing taxes.

*Henry, J.*—I should think, under that general clause, it should be a direct levy of taxes. They cannot select brewers and tailors, or any particular trade.

*Mr. Blake.*—Some think that the tailors could better afford it than the brewers. Then also, at page 65, Sir Arthur Hobhouse says: "The power is mutually exclusive" and then again he says, at page 67:—

"Have you considered how far small local arrangements of this kind are a necessary incident of municipal institutions? Something must follow in the apportionment of commissioners of police for keeping order in the town, and not specified in this."

*Strong, J.*—The argument in the first case of *Russell* and the *Queen* was not printed.

*Mr. Blake.*—No, my Lord. The counsel says, on page 68: "It can hardly be said that a matter such as the regulating of the liquor laws is a matter necessarily inherent in the municipality, when it is a thing that no municipality in England ever had."

"Sir Arthur Hobhouse.—It is difficult to say that it is not necessarily inherent. Then on page 94 this question of trade is referred to by the counsel. He says:—

"Now, the first observation I make with regard to that is this, and it is an observation for which I am indebted to the judgment of the learned judges in several cases which I have looked at: If the subject matter of the legislation is a matter which is within the competence and jurisdiction of the Provincial Legislature, it



none the less so because, incidentally and necessarily, it may, to a certain extent, affect trade or commerce."

And, further on: "It reserves to the Dominion Legislature the power of what I will call general legislation, with the view to the good of the country generally, with regard to trade and commerce with other countries, and trade and commerce between the Provinces themselves."

That is what he says is covered by the words trade and commerce. Sir Robert Collier then remarks: "I think we said it regulated the contracts of those countries." Sir Richard Couch remarks: "It dealt with the contracts of insurance."

Then further on the counsel says: "This is the passage of the judgment which I had in my mind. Your Lordships will find these words—regulation of trade and commerce—in their unlimited sense are sufficiently wise, if uncontrolled by the context and other parts of the Act, to include every regulation of trade, ranging from political arrangements in regard to trade with foreign Governments, requiring the sanction of Parliament, down to minute rules for regulating particular trades."

*Gwynne, J.*—They seem to think in one of the judgments that regulating trade and commerce was taken from a Statute of Anne, the Statute of Limitations. There seems to be a doubt as to whether it was a Statute of Anne or some Irish Statute.

*Mr. Blake.*—Then what Sir Robert Collier says, at page 96, dealing with the Act and distinguishing the Severn case and this case, is:—

"That Act restricted the sale of liquors to wholesale dealings and prohibited the sale for certain purposes. It did not go into any minute regulations of public houses—it did not profess to do anything of that kind."

He says, further on:—

"It did not prescribe what hours public houses were to be open, or anything of that kind."

Then Mr. Davey says to his Lordship:—

"I venture humbly to submit to your Lordships that there is nothing in Russell v. The Queen which, in the least degree, gives color to the suggestion that your Lordships intended to lay down, that the regulations of the liquor traffic, in the sense in which this case dealt with it, was exclusively within the competence of the Dominion Legislature, or that the Provincial Parliament had no jurisdiction to touch the liquor traffic with the end of their little finger, which is what my friends contend for in this case."

And then, with regard to class 8, at page 97, your Lordships will find Sir Richard Couch saying:—

"I do not recollect class 8 being relied upon. I think all the classes that were relied upon in the argument are noticed in the judgment."

That class 8 is the municipal institution matter which we think is chiefly to be relied upon. There was only one other matter in the judgment that I ask your Lordships to note. It is referred at pages 28 and 100. Perhaps your Lordships may have to consider that, and is also explained in the Citizen's Insurance Company's case, and I simply refer to it out of its order, as I give your Lordships all the citations out of the Sessional Papers—and that is as to the effect of that sub-section 15 of section 92, taken in connection with the latter portion of sub-section 29 of section 91. That reads:—

And "Any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces."

There was some question as to whether that latter portion of that clause did not exclude the whole of these subjects, but it is held that it only deals with sub-section 16 of section 92—"generally all matters of a merely local or private nature in the Province," and not the fifteen sub-sections that precede that, and it is simply upon that point that I give your Lordships this statement of Sir Arthur Hobhouse, at the foot of page 28:—

"He seems to consider that those concluding words of section 91 of the British North America Act refer to all the classes in section 9, and not only to class 16. He seems to take that view."

And then at page 29 continuing, Sir Arthur Hobhouse says:—

"That seems to strike out of section 91 the words in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces. The concluding words of section 91 refer only to class 1 of section 92; any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature, comprise in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces. That is class 16. Such a view of the Act as that would support the Dominion Legislature in almost any thing."

*Mr. Bethune.*—That reference there is to the dictum of Sir Montague Smith.

*Gwynne, J.*—That is no part of the judgment.

*Mr. Blake.*—That is one of the observations in the course of the argument. But will give the concluding observations of the court in which they make a statement exactly similar. At page 100, Sir Robert Collier says:—"I think we have held that it applies to clause 16, and not to the whole."

*Ritchie, C. J.*—Do they give any reason for limiting in that way?

*Mr. Blake.*—Yes, my Lord. I will give your Lordship what it is they state on that. This is in the *Citizen's and Queen vs. Parsons*, 1 Cartwright, page 272 (also in appeal cases). What they say there is:—

"With the same object, apparently, the paragraph at the end of section 91 was introduced, though it may be observed that this paragraph applies in its grammatical construction only to No. 16 of section 92."

*Strong, J.*—It seems to me the whole thing is quite consistent and reasonable. Of course it is possible to raise an argument upon almost anything as a matter of construction. What was intended was just this, it seems to me—that the Dominion Parliament should have all the powers specially enumerated in section 91, and that that any of those matters are not to be deemed to come within the general clause of sub-section 16. There was no necessity for saying anything as to any of the other because the powers of the Provincial Legislatures being expressly enumerated in the preceding fifteen sub-sections, the clear reading of them would show that the power was excluded from the Dominion-Parliament there, and it is only necessary to guard as to sub-section 16 of section 92.

*Mr. Blake.*—As to "the grammatical construction," I do not think that was a happy term, if they apply it as it is ordinarily used. I thought it might be used as applying to matters of a local or a private nature.

*Gwynne, J.*—There are local and private matters in the other subjects besides.

*Strong, J.*—Any matter which is expressly assigned to the Provinces there is no question about, but where you come under the general power given by sub-section 16 and legislate on what may be claimed as a local and private matter you must trench upon the powers of the Dominion Parliament.

*Mr. Blake.*—That was all that I had to say upon that first matter; this Liquor License Act of Ontario has been declared valid in this case of *Regina vs. Hodge*; being declared valid for the reasons assigned, it brings the Ontario Act within the purview of the Province, and bringing that matter within the purview of the Province it brings this Act, which is before your Lordships, without the purview of the Dominion Act, and I say therefore, that upon that ground and upon that line of argument it is impossible that this Dominion Act can stand. Then that having been declared valid, I submit that, of course, the onus would be to show, that existing that the Act of the Dominion is in force, and that the onus is not at all upon the Provinces in regard to it. The courts having sustained the Ontario License Act there is no onus upon us to ask your Lordships to validate the Local Act, it having been declared valid by the Privy Council. In *L. 8 Union St. Jacques vs. Belisle*, 1 Cartwright, page 69, the Privy Council say, "the onus is on the Respondent to show



this, being of itself of a local or private nature, does also come within one or more of the classes of subjects specially enumerated in the 91st section."

The moment therefore that it is shown that this is of the nature which it is described by the Privy Council and which the reading of the Act shows it to be, then the onus is upon the Dominion to show that they can withdraw that from the Province and legislate upon it, and that is what the Privy Council says in this case, at page 69. Dealing with these that are, *prima facie*, because of their local character—

*Strong, J.*—Was the decision in the Court below in favor of the local legislation or against it?

*Mr. Bethune.*—It was held to be *ultra vires* by the Queen's Bench.

*Strong, J.*—Then the Privy Council say, it having been held to be *ultra vires* in that way, the onus was on the respondent.

*Mr. Blake.*—Your Lordship has a little misapprehended it. What they say is this, and I only cite it as an authority for this proposition—that where it is shown that the subject matter, because of its being local, or from its character is within the power of the Province, the onus then is upon the Dominion to withdraw that matter and deal with it, and so in this case he says because of the quality of the matter it is local, and the Dominion must now show some reason why it is to be taken out of that category.

*Mr. Bethune.*—The Privy Council, in their judgment in that very case, say that the Dominion Parliament could have passed that very law.

*Strong, J.*—I do not read it that way.

*Henry, J.*—The question of insolvency was raised there, and it was argued in that case that, inasmuch as it affected the insolvent co-partnership, the Local Legislature had not power to deal with that subject, but the Privy Council held that, inasmuch as it was not carrying out the principle of bankruptcy by a distribution of the estate, but was merely making an arrangement to continue the organization and enabling them to get time to pay the debts or to compromise them for a certain amount, and it was within the power of the Local Legislature.

*Gwynne, J.*—Instead of being a bankruptcy Act it was an Act to prevent bankruptcy.

*Mr. Blake.*—This is the portion of the judgment that I refer to:—

"If there is nothing to control that in the 91st section, it would seem manifest that the subject matter of this Act, the 33 Vic. c. 58, is a matter of a merely local or private nature in the Province, because it relates to a benevolent or benefit society incorporated in the City of Montreal, within the Province, which appears to consist exclusively of members who would be subject *prima facie* to the control of the Provincial Legislature."

And what his Lordship proceeds to say is: "The onus is on the respondent to show that this, being of itself of a local or private nature, does also come within one or more of the classes of subjects specially enumerated in the 91st section," and that is just simply one link in my argument, which is, if I convince your Lordships from the judgment of the Privy Council that this is a matter from the nature of it within the Provinces, then the onus is on the Dominion to show clearly and conclusively that they have a right to say anything on that matter.

*Gwynne, J.*—And that they can claim a concurrent jurisdiction.

*Mr. Blake.*—Yes, my Lord. I ask your Lordship's consideration of Severn and the Queen at page 447, 1 Cartwright, and at pages 430, 436 and 437. Now what his Lordship Justice Strong says is as follows:

"Before we can determine that the Legislature of the Province of Ontario have exceeded their powers in passing this Act it must be conclusively shown that it cannot be classed under any of the subjects of legislation enumerated in section 92 of the British North America Act, which is to be read as an exception to the preceding section."

So that there is a power of the Dominion that is carved out of it that is relegated to the Provinces, the Provinces taking it the Dominion has no further power in regard to it. Now, that is all I have to say upon that first matter, and if that is in

favor of the Provinces, of course that virtually ends these matters that are being discussed before your Lordships.

What I was going to say secondly said all that is necessary upon it. It was that the judgment in *Regina vs. Russell* did not affect *Regina vs. Hodge*, though having a distinct judgment in the *Hodge* case there is nothing which was in issue in the *Russell* case as to which their Lordships spoke, and as to the residue of that they seem to have very much taken it back. There is nothing which was in issue there in that decision which in any shape or form interferes with what was concluded in the *Hodge* matter, and we have it that while the *Hodge* matter touches the very Act itself, at all events the *Russell* matter was a good many removes from the subject-matter which was taken up and adjudicated on by the court in the *Hodge* case. Therefore we have a distinct authority in favor of the Liquor License Act—because I would ask your Lordships to take that as a fair corollary from that proposition that the moment you get that as an authority in favor of the Provincial Act, it is also a decision against the Dominion Act. If it is correct that it is conclusive, and if we find that the Liquor License Act of Ontario stands as a valid Act, then that virtually cuts it entirely from under the feet of the Dominion, and it must follow, as a corollary, that the Dominion Act cannot stand.

Then the next point that I desire to call your Lordships' attention to is that which has been more or less referred to, and which was wanting in the *Russell* case but presented in the *Hodge* case, and that is this: If the court does not take the view of the result of the *Hodge* decision, but desires to take and consider the Act quite apart from it, I submit then that we are bound to look at the legislation which preceded the Confederation in order to have an explanation of what is meant by municipal institutions, and what is meant by trade and commerce, that the matters which preceded and the position and the surroundings are all indicia by which the court is led to either one conclusion or the other, and shortly what I wish to show from the Acts is, that while this dealing with the liquor question is a matter within the municipal institutions, we have also trade and commerce in the consolidating of the Statutes preceding Confederation, and there is no reference to any dealing with the liquor traffic under trade and commerce, but that we have under the heading of trade and commerce, headings very similar to those which we find in section 91 of the Confederation Act, showing therefore that what was in the minds of the framers of the Act was a state of matters which relegated a particular class of matters to trade and commerce, and another and a distinct class of matters, the liquor trade, to municipal institutions.

*Gwynne, J.*—You exclude the Statute of Anne altogether?

*Mr. Blake.*—For the present, my Lord.

*Gwynne, J.*—In the case of the *Citizen's* and *Parsons* the Privy Council attributed it to the Union Act of Scotland.

*Mr. Blake.*—I will not exclude it if your Lordships can get light from it; and that we want is light, but I think that what was passed here will shed more light on it than Acts passed in the reign of Anne. If that is reasonable, and I only refer to this because I have seen it—I cannot lay my hands for the moment on the Act—what have we to do with this Act of Anne? It is the same as construing a deed; you have to look at the surrounding circumstances in order to construe it. In the *Slave* case the question was raised whether it was reasonable and proper that this should be done. I will give two or three citations to show that that was the proper way to inform the mind of the Court before proceeding to the question of the meaning of the Act. His Lordship Chief Justice Richards, in the *Severn* case, thought that that was so. At page 430 of 1st Cartwright, he says:—

“In deciding important questions arising under the Act passed by the Imperial Parliament for federally uniting the Provinces of Canada, Nova Scotia and New Brunswick, and forming the Dominion of Canada, we must consider the circumstances under which that statute was passed, the condition of the different Provinces themselves, their relation to one another, to the Mother Country and the state of things existing in the great country adjoining Canada, as well as the systems



government which prevailed in these Provinces and countries." And again at page 436, "I think we may, without violating any of the rules for construing Statutes, look to the legislation which prevailed in any or all of the Provinces, in order to enable us to be put in the position of those who framed the laws, and give assistance in interpreting the words used and the object to which they were directed;" and on the next page His Lordship says "the meaning to be attached to the words 'shop licenses' (I am not aware that they were used as applicable to licenses in any other of the Provinces), we find on referring to the Municipal Institutions Act of Upper Canada then in force, 29 and 30 Vic., chap. 51, 'shop licenses' are said to be licenses, &c."

So that His Lordship says I am bound, as it were, to look at the legislation which preceded this Act in order to see what was in the mind of the persons who put together that Confederation Act.

*Henry, J.*—It could not be with reference to taverns and shop licenses in England or any other country; it would be with reference to licenses for taverns and shops in the Dominion.

*Mr. Blake.*—Without troubling your Lordship with any further citations I give authority on that.

*Strong, J.*—I say in my judgment in *Severn and the Queen* that I do not understand the words "municipal institutions" are to be interpreted in the way the late Chief Justice of this Court interpreted them—that is, that they are to be interpreted in one Province one way and in another Province another way. I do not think that is the principle on which Statutes are construed at all. There are authorities against that mode of constructions and I cite them in the *Queen and Severn*. I take it in enquiring what is intended by the words; you must take the general meaning, and I think the measure of what that power conferred will be found described in United States cases as "the police power."

*Ritchie, C. J.*—The late Chief Justice looked to the municipal laws of Ontario exclusively, and then I pointed out it was all very true, but there were licenses of a different character. There were brewers' licenses in New Brunswick, there were none in Ontario; wholesale licenses in New Brunswick, and none in Ontario. There were other licenses, I am instructed, in the Province of Quebec. Now, as my learned brother Strong said, it could not be based on the system in Ontario.

*Gwynne, J.*—Surely there may have been different municipal institutions existing in the different Provinces and the British North America Act refers to all.

*Strong, J.*—The words municipal institutions include the largest powers in any of the Provinces.

*Mr. Blake.*—I was not asking your Lordship to carry it any further than that.

*Strong, J.*—The trouble was, when we came to enquire into that, we found in some respects New Brunswick had larger powers than Ontario, and in other respects Ontario had larger powers than New Brunswick.

*Mr. Blake.*—I do not dissent in any degree from that, nor do I understand that the citations of the Chief Justice went further than that. The question was whether he went beyond those citations. You are not to take Nova Scotia, New Brunswick or any other Province, but simply say there is a line of authorities which decide trade and commerce one way and municipal institutions another way.

*Henry, J.*—The cities and towns carried on their municipal institutions in a different way from the rural municipalities.

*Ritchie, C. J.*—I thought we ought not to construe the British North America Act by the light of an Ontario statute alone. I thought my learned brother was impressed more than I considered he ought to be in the construction of the Act, not by the Provinces at large, but by the statutes of Ontario.

Adjourned till to-morrow at 11 a.m.

Wednesday, Sept. 24th, 1884.

*Mr. Blake.*—I was addressing your Lordships on the third point yesterday and that is that if the court considers the question open it is proper in expounding the British North America Act to look at the preceding or surrounding legislation, and I had referred your Lordships to the case of *Severn and the Queen*, (1 Cartwright, page 431) in support of that proposition, and it was then stated that perhaps the mode of looking at the preceding legislation adopted by his Lordship Chief Justice Richards was not the true mode of looking at the preceding legislation, and what I was submitting to your Lordships was that I did not ask your Lordships to look at the preceding legislation in Ontario for the purpose at all of construing the British North America Act, but to look at the legislation as it exists in all the Provinces, and not for the particular purpose of construing as in *Severn and the Queen*, in regard to a particular matter, that is, as to whether there was power as to brewers' licenses or not, but for the purpose of seeing whether there was not a general power given under the municipal law of the land to deal with those questions, and I submitted to your Lordships whether it was right, in *Severn and the Queen*, to go into the minutiae of the matter in order to test the mode in which the Act should be read as to one Province, that certainly the authorities are very clear in favor of the proposition that the court is bound to take a general view of the preceding legislation in order that it may be better expound the Act that has flowed from that state of matters. And the further authorities that I give your Lordships upon that would be *Langlois vs. Valin*, 1 Cartwright, page 162; *Cushing vs. Dupuy*, 1 Cartwright, page 259, and *Citizen's Insurance Company vs. Parsons*, 1 Cartwright, pages 276 to 278, where we have the authority of this court and of the Privy Council for entering into the consideration of the preceding legislation in order to see how the matter stood, and therefore to expound the meaning of the words trade and commerce and the words municipal institutions.

Well, that being so, we find first positively that municipal institutions cover the dealing with these liquor licenses, and I submit that we find as an equally clear authority for the proposition that it covers it, the fact that the words "trade and commerce" are also to be found in the Statutes consolidated of Canada, of Upper Canada and of Lower Canada, and that under the head of "trade and commerce" we do not find any reference at all made to the dealing of liquor in the country. And that I submit, with these two facts before the court to aid in expounding the meaning of the term in the British North America Act, that the court is driven to the conclusion that "trade and commerce" did not seem then, and therefore do not now cover a dealing with the liquor laws of the land, that the municipal institutions then did, and therefore that municipal institutions now do cover such matters.

Then your Lordships will find in the Consolidated Statutes of Upper Canada (1859, the consolidation was of course), at pages 583 and 588 such a dealing with liquors, spirituous liquors, by-laws forbidding the sale thereof, and so on; and then also at page 995 we find the sale of the liquors in gaols prohibited. Then at page 583, section 246, your Lordships will find that the council of every township, city and town and incorporated village may respectively pass by-laws in regard to the shop and tavern licenses, and at section 254 there is a restriction as to the sale of liquor in certain times and in certain localities, and then for the inspection of the provision is made in the 259th section, and for the good order to be preserved there, provision is made in section 261. So that we find all these matters that are the subject of the Ontario legislation of to-day embraced within the head of the municipal matters that are to be dealt with in the way prescribed by that Municipal Act.

Then also your Lordships will find in the Consolidated Statutes of Lower Canada—the consolidation of 1861—under the head of fiscal matters, and liquor and municipal matters, at page 149 and page 172, the sale of spirituous liquors, and there dealt with; and then your Lordships will find further the Act immediately preceding Confederation, that is 29 and 30 vic. cap 32, the Statute of 1866 of Lower



Canada, embracing in the Act to amend the Municipal Law of Lower Canada; then again in the same year, cap 35, the Act as to the sale of intoxicating liquors, tavern keepers, &c.

And then again in Upper Canada, the same year, 29 and 30 Vic. cap. 51, an Act respecting municipal institutions of Upper Canada, and there we find from section 249 and onwards the same details of all the matters that we find in the liquor license laws in force at present the terms and conditions required to be complied with for the granting of tavern licenses, certificates in townships, towns, and incorporated villages, limiting the number, regulating the houses, prohibiting sales by retail, &c.,—every person having a tavern license, every person who keeps a tavern, and the offences, what the word “liquor” shall cover, &c., and section 264 in regard to disorderly conduct in any of these places, and what to be done to proceed against them, by-laws in regard to vessels, and so on.

So that we have, I submit, completely, and I do not deal at large, as my learned friends from Quebec and New Brunswick and British Columbia will deal with the position of those Provinces before Confederation, but I simply refer to the fact, and have referred to the Act in Upper Canada in order to show that it is not taking Ontario legislation and asking the court to construe the British North America Act by Ontario legislation, but it is taking a view of the whole of these matters over the whole of these Provinces and asking that that fact be read into as a means of expounding the Confederation Act.

Then I ask also Your Lordships’ consideration of the second branch, and that is, that trade and commerce did not include these, but did include matters of the class found in the British North America Act. Your Lordships will find that the trade and commerce referred to in the Upper Canada consolidation, and referred to in the Lower Canada consolidation, simply for the purpose of referring the reader of the Consolidated Acts to the fact that all that is to be found in the Canada consolidation, and there, in the consolidation of the Acts which have reference to Canada at large, we find no vestige of any dealing with liquor, or the liquor laws, but we do find—and I ask your Lordships therefore to conclude both from the affirmative and negative evidence that those Acts present—we do not find the one and we do find the other dealing with the class of matters mentioned in the enumeration here in section 91, and therefore, by both those processes we come to the conclusion that it was in the mind of those who framed this Act, the fact that under trade and commerce you did embrace a distinct class of matters such as we find touched upon in section 91, and that under municipal law you did find the distinct class of matters developed to a certain extent by sub section 9 of section 92. Now you will find for instance in trade and commerce the following matters, amongst these in section 91, as indexed under. That is, I give your Lordships the numbers, reading out what they are: The numbers are 10, 12, 15, 16, 17, 18, 19, and 20—all these very matters that are in section 91 are found indexed, nominated under the head “trade and commerce.”

*Henry, J.*—That is in the consolidation of Canada?

*Mr. Blake.*—Yes, my Lord, I will give you that in a moment. Therefore to the words trade and commerce there was a well defined signification and meaning given, and also to what was covered by municipal institutions or arrangements. Those items are within the heading of trade and commerce in all the consolidations, that is, in the consolidation of Lower Canada, but not in 29 and 30 in the consolidation of Upper Canada; and by reference to the consolidation of Canada at large, all these details are to be found under the head “trade and commerce.” In that consolidation of Lower Canada, title 8, cap. 55, page 484, and the consolidation of Canada, cap. 41, sec. 535. In that of Upper Canada the reference is just the same as it is in that of Lower Canada, referring the reader of the Statutes, the person desirous of finding, under the head of trade and commerce, to the place where it can be found in the Statutes at large of Canada. Therefore I say that without any authority on the point, and testing in that, which I submit to your Lordships with great confidence is the true means of testing and getting at the meaning of the Act, we find there this branch classed within section 92 and excluded virtually from section 91. Then the

matter has been dealt with, of course, in the Citizen's case, and also in Dow and Black that I gave your Lordships yesterday, but in this reference to it at page 108, 1 Cartwright—

*Strong, J.*—Where is it in the regular reports?

*Mr. Blake.*—6 Privy Council, at page 31. I thought it was so much more convenient to have them here that I noted the pages in this way, and I have noted the particular page where the matter is, to save the Court the trouble of reading the whole case, and it is just merely this passage from the judgment of the Privy Council :—

“Their Lordships are further of opinion, with Mr. Justice Fisher, the dissenting judge in the Supreme Court, that the Act in question, even if it did not fall within the second article, would clearly be a law relating to a matter of a merely local or private nature within the meaning of the 9th article of sec. 92 of the Imperial Statute, and therefore one which the Provincial Legislature was competent to pass unless its subject-matter could be distinctly shown to fall within one or other of the classes of subjects specially enumerated in the 91st section.”

So that if that is to be the test, where we find municipal institutions, and read it in the way in which I submit it should be read, it is clearly, plainly and distinctly brought there, and it cannot be withdrawn from that unless there is language equally clear, plain and distinct to draw it within another branch, which I say is utterly wanting in the matter. The leading case in this present matter of course is that of the Citizen's, in 1 Cartwright, at page 265, and the only report that is referred to there of it is 45 Law Times, new series, 1871. It is reported in 7 Appeal Cases page 96. Now particularly at pages 271 and 272, 1 Cartwright, their Lordships deal with what was the general scheme of the legislation and say :—

“The scheme of this legislation, as expressed in the first branch of section 91 is to give the Dominion Parliament authority to make laws for the good government of Canada in all matters *not coming* within the classes of subjects assigned exclusively to the Provincial Legislature.”

So that the idea of the Privy Council was that out of section 91 you are to carve absolutely those matters that are spoken of there, being the sixteen sections, and that as to those there is exclusive power in the Provinces. Then it says :—

“If the 91st section had stopped here, and if the classes of subjects enumerated in section 92 had been altogether distinct and different from those in section 91, no conflict of legislative authority could have arisen. The Provincial Legislatures would have had exclusive legislative power over the sixteen classes of subjects assigned to them, and the Dominion Parliament exclusive power over all other matters relating to the good government of Canada. But it must have been foreseen that the sharp and definite distinction had not been and could not be attained, and that some of the classes of subjects assigned to the Provincial Legislature unavoidably ran into and were embraced by some of the enumerated classes of subjects in section 91; hence an endeavor appears to have been made to provide for cases of apparent conflict; and it would seem that with this object in the second branch of the 91st section, for greater certainty, but not so as to restrict the generalit of the foregoing terms of this section, that (notwithstanding anything in the Act) the exclusive legislative authority of the Parliament of Canada should extend to all matters coming within the classes of subjects enumerated in that section. With the same object apparently the paragraph at the end of section 91 was introduced, though it may be observed that this paragraph applies in its grammatical construction only to No. 16 of section 92. Notwithstanding this endeavor to give pre-eminence to the Dominion Parliament in cases of a conflict of powers, it is obvious that in some cases where this apparent conflict exists the Legislature could not have intended that the powers exclusively assigned to the Provincial Legislature should be absorbed in those given to the Dominion Parliament.”

And so we have there the conclusion of the Privy Council, that still there was the idea of absolute power in the Province and that their powers are not to be absorbed; and that, although in a certain aspect you may touch upon those, that you



are not to deprive the Provinces of the power to deal with the matters in class No. 16, and then it gives the instance of the subject of marriage and divorce, and says:—

“So ‘the raising of money by any mode or system of taxation’ is enumerated among the classes of subjects in section 91; but, though the description is sufficiently large and general to include ‘direct taxation within the Province in order to the raising of a revenue for Provincial purposes’, assigned to the Provincial Legislatures by section 92, it obviously could not have been intended that, in this instance also, the general powers should override the particular one.”

So that he introduced the principle that where you have gotten a general power, and then where you have a power particularized, the particular is cut out of the general—that the particular is not to be overridden by any general words.

*Henry, J.*—It is on the same principle, I suppose, as the description of a property in a deed?

*Mr. Blake.*—Yes, my Lord, that the particular would govern, and that the general words cannot enlarge that, and as he says here general words, difficult to define, hard to say where the debatable ground begins and where it ends, but there is running through the whole of this the idea that the moment you particularize a matter that is designated to a particular party to whom it is thus assigned, “in these cases it is the duty of the courts, however difficult it may be, to ascertain in what degree and to what extent, authority to deal with matters falling within these classes of subjects exists in each Legislature, and to define in the particular case before them the limits of their respective powers.” And then, further on, at the foot of page 273—“the first question to be decided is, whether the Act impeached in the present appeals falls within any of the classes of subjects enumerated in section 92, and assigned exclusively to the Legislatures of the Provinces.”

It is valuable as showing that in the mind of the Privy Council the idea of an exclusive holding of the power, and if an exclusive holding therefore; you cannot have the taking away of the power. I refer particularly to that, because in my learned friend’s factum it is put as if it were a movable quantity, that you have it to-day and it may be abstracted to-morrow, but the moment you grasp it as exclusive power, it defeats the argument, and because it is said in the United States there may be a local dealing with the matter until the supreme power interferes and then it goes, so it is said here by analogy, which I submit to your Lordships is not an analogy but a false statement of the two matters and endeavoring to put them side by side, that the Provinces may have the power until the Dominion interferes and then it goes; but the moment you have the exclusive power, then any such idea is utterly cast out. Now again touching on that point at page 274, and dealing with the mode of construction that has been referred to the judgment continues:—

“It becomes obvious, as soon as an attempt is made to construe the general terms in which the classes of subjects in sections 91 and 92 are described, that both sections and the other parts of the Act must be looked at to ascertain whether language of a general nature must not by necessary implication or reasonable intention be modified and limited.”

Again carrying out the idea of the general power and the particular power, and that the general power must be controlled by the distinct particular power which is given. And then it illustrates that further: and then also in dealing with this question of the meaning of trade and commerce, I do refer with a great deal of confidence to the exposition given at pages 277 and 278 of what was intended to be covered by “trade and commerce.” Their Lordships there say:—

“The words ‘regulation of trade and commerce,’ in their unlimited sense, are sufficiently wide, if uncontrolled by the context and other parts of the Act, to include every regulation of trade ranging from political arrangements in regard to trade with foreign Governments requiring the sanction of Parliament, down to minute rules for regulating particular trades.”

And I would submit to your Lordships that that is of great moment to the court in discussing this, because from a general proposition, their Lordships now come down to the application of it. And they say, having generally stated that the par-

ticular is to be carved out of the general, and that it is the general power that is to give way when the particular is assigned, now we come to deal with that and we say that although there be in the words "regulation of trade and commerce" large general words which might cover, we are bound to qualify those words and apply to them the general principle we have laid down. So we say, "if uncontrolled by the context and other parts of the Act, to include every regulation of trade ranging from political arrangements in regard to trade with foreign Governments, requiring the sanction of Parliament down to minute rules for regulating particular trades."

Now their Lordships say: "We admit all that, the power, the sufficiency, the length, the volume of these words, and admitting all that weight which we give to them, that full force, are we to be guided by the particular in that?" They say "but a consideration of the Act shows that the words were not used in this unlimited sense. In the first place the collocation of No. 2 with classes of subjects of nations and general concern affords an indication that regulations relating to general trade and commerce were in the mind of the Legislature when conferring this power on the Dominion Parliament. If the words had been intended to have the full scope which, in their literal meaning, they are susceptible, the specific mention of several of the other classes of subjects enumerated in section 91 would have been unnecessary; as 15, Banking; 17, Weights and Measures; 18, Bills of Exchange and Promissory Notes; 19, Interest; and even 21, Bankruptcy and Insolvency. 'Regulation of trade and commerce' may have been used in some such sense as the words 'regulations of trade' in the Act of Union between England and Scotland."

His Lordship Justice Gwynne referred to that Statute, 6 Anne, cap. 11. I submit humbly to your Lordships I have given a much better means of arriving at than 6 Anne, that is, by looking at these consolidations, and finding what in the minds of the Provinces was covered by trade and commerce. The judgment continues:

"And as these words have been used in other Acts of State. Article E. V. of the Act of Union enacted that all the subjects of the United Kingdom should have 'full freedom and intercourse of trade and navigation' to and from all places in the United Kingdom and Colonies, and Article 6 enacted that all parts of the United Kingdom, from and after the Union, should be under the same 'prohibitions, restrictions, and regulations of trade.' Parliament has at various times since the Union passed laws affecting and regulating specific trades in one part of the United Kingdom only, without its being supposed that it thereby infringed the articles of Union. Thus the Acts for regulating the sale of intoxicating liquors notoriously vary in the two kingdoms. So with regard to Acts relating to bankruptcy and various other matters.

"Construing therefore, the words 'regulation of trade and commerce' by the various aids to their interpretation above suggested, they would include political arrangements in regard to trade requiring the sanction of Parliament, regulations of trade in matters of inter-provincial concern, and it may be that they would include general regulation of trade affecting the whole Dominion."

These were just what Justice Strong gave us yesterday of what he thought was covered by trade and commerce given by the Privy Council here.

"Their Lordships abstain on the present occasion from any attempt to define the limits of the authority of the Dominion Parliament in this direction. It is enough for the decision of the present case to say that, in their view, its authority to legislate for the regulation of trade and commerce does not comprehend the power to regulate by legislation the contracts of a particular business or trade."

So that I submit the true construction of the Act as I have submitted to your Lordships and that the case in the Privy Council shows conclusively that that is the mode in which it is to be read, and that we are to qualify the wide general large words by the context and by the other portions of the Act which would be rendered nugatory unless that mode of reading and construing were taken.

*Ritchie, C. J.*—In the case of *L'Union St. Jacques* do they not speak of 'particular legislation'?



*Mr. Blake.*—If I am not mistaken I gave your Lordship that.

*Ritchie, C. J.*—Speaking generally of the powers given to the Dominion Parliament, I think he has particular reference.

*Strong, J.*—What was argued was this : there may be powers which the Provinces may exercise so long as they do not clash with legislation under other powers which the Dominion Parliament may exercise, so long as certain power is with the Dominion Parliament, which the Provincial legislation, under undoubted powers given to the Provinces may clash with, yet so long as the powers of the Dominion Parliament are in abeyance, as it were, the Provincial legislation would be good.

*Ritchie, C. J.*—I think it is Lord Selborne that speaks as to affecting particular subjects.

*Mr. Blake.*—Yes, my Lord, at page 70 of 1 Cartwright:—"There is no indication in any instance of anything being contemplated, except what may be properly described as general legislation."

*Ritchie, C. J.*—In those matters that are given to the general government.

*Mr. Blake.*—Then he goes on to say the other part of it, showing that is so:—"Such legislation as is well expressed by Mr. Justice Caron when he speaks of the general laws governing *faillite*, bankruptcy and insolvency, all which are well known legal terms expressing systems of legislation with which the subjects of this country and probably of most other civilized countries are perfectly familiar."

Carrying us again back to the knowledge possessed and to the use of these terms, with the knowledge of their meaning; so that the matter covered, I submit, is these larger matters affecting the general business—general matters and not such as in going over the Act shortly to your Lordships I will show is covered by this present Act. And that brings one to the consideration of the Act, and I only trouble your Lordships with two more points, that is the consideration of the Act, and then the consideration of my learned friend's factum on which he seeks to uphold it.

Now, I gave your Lordships from Russell and the Queen yesterday, I think the passage 2 Cartwright, page 23, merely for the proposition that in considering the Act one is to look at the primary matters, and not at certain incidental results, but the principal matter, and try to arrive at what was really intended by the Legislature when it was passed, for the reason that is given in one of the cases, that if that be not so you will simply have to put a preamble in the Dominion Act, and say "our intention is so and so, and do whatever you please with the Provinces." Therefore it is necessary not only to look at the preamble of the Act, but to grasp from the Act itself what was the intention, and either to read it out of the Dominion legislation or to enforce it, based not upon what may be its title or preamble, but based upon what in reality is the scope of it. Now, at the foot of page 23 (in Russell and the Queen, 2 Cartwright) the court says:—

"No doubt this argument would be well founded if the principal matter of the Act could be brought within any of these classes of subjects; but as far as they have yet gone, their Lordships fail to see that this has been done."

Is the scope of the Act brought within that? Now, have you stated that the Act is for that purpose; not that incidentally some of these matters may be touched upon, but is the whole scope of the Act really for the peace, order and good government, a matter to regulate the larger matters of trade and business, or is it in reality an Act such as those that have been in force, in one way or the other, in our Provinces for the regulation of the liquor business for the last twenty years? And I think that the first thing that strikes one in looking at the Act is what a strong resemblance it bears to the very classes of Acts to which I have referred. Instead of its being an Act that grasps some difficulty that has occurred in some large matter of trade and commerce, it is an Act that comes in at the very beginning into all the details of regulation for each little hamlet and place and establishment in the Dominion, down to the fact that you must have six bed-rooms in one house and four in another; down to the question whether it is to be a pint or a pint and a-half that is to be disposed of, and all the minute regulations which are necessary in dealing with

such a matter as the Ontario and other Provincial Legislatures were dealing with but has nothing to do with a measure which has the large scope that is to be given to this question of trade and commerce. Your Lordships find that it begins that there must be a Board of License Commissioners, an Inspector, hotel licenses, saloon licenses, &c., that it provides for refreshment rooms.

*Strong, J.*—Is not the Scott Act open to just the same argument?

*Mr. Blake.*—No, my Lord, by no means; not one of those matters that I will show your Lordship.

*Strong, J.*—Not those same matters, but it refers to other matters of a similar character.

*Ritchie, C. J.*—Nothing on prohibition.

*Mr. Blake.*—With all due deference to your Lordship I will give that as being the best instance of what I am presenting to the court that can be given; the moment you grasp so large a matter as prohibition, whatever is necessary to carry that out follows it.

*Ritchie, C. J.*—They were observations made in this court in this very case what you are reading from the report of the Privy Council. It was there argued that the preamble of the Act shows that it was outside of the Dominion, because it referred to temperance. If the Act itself dealt with a large matter that affected trade and commerce, whatever the motive of the Legislature might have been whether it was temperance or to prevent crime or so on, the question before us was the subject matter.

*Strong, J.*—The highest authority you have for that is Gibbons and Ogden, in which the question was well settled in the United States. It is settled in jurisprudence there that the motive of the Legislature has nothing to do with the construing of an Act; you have to look at the law.

*Mr. Blake.*—The reason given is, that you might assign a wrong motive for the Act.

*Strong, J.*—The difference between our Act and the American legislation in this respect is with reference to taxation, with which we have nothing to do at all here. There may be a difference, because it is said in the B.N.A. Act that license may be imposed for provincial, general and municipal purposes. Now, if the Act showed on its face that it was for none of those purposes, that the intention really was prohibition, that might make a difference, but we are not dealing with that question.

*Mr. Blake.*—No, my Lord.

*Strong, J.*—The general motive and intention of the Legislature makes no difference; what you have to look at is merely what the effect of the Act is.

*Ritchie, C. J.*—The object of the Scott Act was purely and simply for the purpose of prohibition, but prohibition as it might be accepted in the different localities—not general prohibition except in that way.

*Mr. Blake.*—Then in regard to that question which his Lordship the Chief Justice referred to of prohibition, of course that point is not one—

*Ritchie, C. J.*—The prohibition law is a very different thing. Prohibition affects the whole Dominion in a variety of ways; it affects it in the revenue, and it affects trade generally in different phases from these little small matters of how many beer rooms there should be in a hotel, or how many pints or quarts or gallons of liquor should be sold at a time, or whether it should be drunk on the premises or off the premises, or whether an individual tavern should be closed at 7 or 8 o'clock in the evening. Those details are entirely different from the prohibition of the use of an article which is an article of merchandize and general use throughout the whole Dominion, and from which a large amount of the revenue of the country has been derived, and which has been, by the action of the Dominion Parliament, permitted to be brought in for the purposes of trade in the Dominion. I conceive there is a broad distinction between them, and it was that which operated in my mind in my decision in the Russell case.



*Strong, J.*—We have the Hodge case, and as I understand in that case the Privy Council have decided that the Crooks Act is within the exclusive right of the Provincial authorities. Now, all we have to do is to take the enactments of the Crooks Act and put them beside the enactments in this Act, and if we find they are within the exclusive jurisdiction of the Provinces, how can they be within the jurisdiction of the Dominion?

*Ritchie, C. J.*—The Privy Council have gone much further. They say not only is it within the competence of the Ontario Legislature, but they say that it is not an interference with any power which is given to the Dominion Parliament—in so many words.

*Mr. Blake.*—What I argued, your Lordship, and I must say it must not be lost sight of, it is obvious that all through those cases that there is the idea of exclusion and not of abeyance; therefore the moment they say we have the right, we have the right exclusively and these others can never come in. What I was going to ask your Lordships to direct your attention to is in the case of the Queen vs. Severn, there would be a strong argument in favor of the proposition there, just upon what his Lordship the Chief Justice has said would not exist in many of the other cases, because Severn was a brewer, and it was a dealing with a more extended and larger matter than dealing with a tavern keeper.

*Strong, J.*—It was under a different power.

*Ritchie, C. J.*—There was one also referred to with reference to prohibition, and also occurred to me with reference to prohibition that this matter of prohibition would have the effect of stopping all the breweries and manufactories which authorized by the Dominion to be pursued.

*Henry, J.*—And it was carrying out the circumstances that existed before the Union. These brewers had general licenses from the Parliament directly, under a special Act, and Parliament derived the amount that was levied on them. This Court decided that if the rights of the Local Legislature should come in it would be taking away the right that the Dominion Government had of taxation. Another point on which that was decided was that it was an indirect tax, which was not permitted.

*Mr. Blake.*—That idea which his Lordship the Chief Justice has stated was the one that, in discussing this with Mr. Irving yesterday, we thought sufficient stress had not been laid upon—the difference between saying a Local Government may not interfere with a brewer, such as Severn, who makes and vends his beer, and a tavern keeper, who simply deals in it, or a hotel keeper who does not make an excise upon it at all, but vends it in broken packages—

*Henry, J.*—The Local Legislature went so far as to say he should not hold it longer than a certain time for sale without taking out a license.

*Mr. Blake.*—As to that matter of prohibition, there is no doubt, I think, that it is still very arguable as to whether it is a matter that the localities may not, by piece-meal introduce; however, that is a matter that has been disposed of by the Privy Council, and the only record I have in connection with it is, that they should not have presented the arguments upon our Municipal Law and other matters on which, one had an authoritative exposition, whether right or wrong, it might have shortened the argument and lessened the difficulties in the present case. But in passing prohibition we come to the second one, and admitting that the large, wide sweep prohibition may bring it within the power of the Dominion Parliament—

*Ritchie, C. J.*—I humbly think, notwithstanding what the Privy Council has said, that the case of Russell would have been put upon a more solid foundation if they had placed it on the ground of trade and commerce.

*Strong, J.*—Supposing Hodge and the Queen had never arisen and never been decided, I should certainly have thought that Russell and the Queen—the ground taken by the Privy Council would have made anyone suppose that this Legislation was within the competence of the Dominion Parliament. When you put it on the ground of trade and commerce then it becomes an entirely different thing: that is all wiped away by the effect of the decision in the Hodge case.

*Mr. Blake.*—I suppose none of your Lordships but are perfectly aware of these two matters, firstly that this Dominion Legislation was urged on by the decision of Russell and the Queen, and secondly, that the appeal to the Privy Council in Hodge and the Queen was based on Russell and the Queen; and there can be no doubt what ever as his Lordship has said over and over again, you are basing your case of Hodge and the Queen on Russell and the Queen. I would have thought that ninety-nine lawyers out of a hundred would have said they were justified in doing it, but the answer of the Privy Council says, you must confine that to the subject before us, and all those other matters are virtually to be cut out of our judgment. Now we are to set to work and dispose of Hodge and the Queen, and we dispose of it virtually by negativing what we said in Russell and the Queen.

*Ritchie, C. J.*—I suppose it is not treason to say that the Privy Council might have been more careful when they prepared their judgment.

*Henry, J.*—There seems to be some doubt on the question of trade and commerce. They do not give an opinion, but they certainly do not upset an opinion, and they have taken, in my opinion, a very much worse one—if it is not treason to say so.

*Mr. Blake.*—It would have been a great convenience to us to have the consideration of the Privy Council in the light of the Hodge case.

*Gwynne, J.*—I cannot read their judgment without coming to the conclusion that there is no difference between the two.

*Mr. Blake.*—Then the Privy Council must be wrong—

*Gwynne, J.*—I do not see any discrepancy in the judgments.

*Mr. Blake.*—At all events, what appears to be perfectly clear is this: passing by prohibition, and granting that it may passed by the Dominion, that in no shape or form interferes with the question as to whether this matter of the selling of liquor, and more than the selling of cloth or wheat or anything else, can be a matter in which the Dominion can go into the little details of life and say "we will bind you hard and fast by this legislation."

*Henry, J.*—In the judgment of Russell and the Queen it is clear on the face of the judgment that the Privy Council was of the opinion that the prohibition was with the Dominion Parliament, on the ground which is set out in the first clause of the Act. In giving the judgment of Hodge again, they virtually ignored that, because they say that it is a local matter altogether. Well, now, if it is a local matter altogether and if a dealing with licenses for the sale of spirituous liquors is altogether a local matter, and that they take that local matter for the purpose of raising a revenue, how is it that any other power can come in and control that exclusive right and say you shall not exercise it?

*Mr. Blake.*—It is impossible.

*Henry, J.*—That is the difficulty I had with the Scott Act when it was before us, the two powers could not be consistently exercised.

*Mr. Blake.*—Passing from the question of prohibition, I would simply make the one observation to your Lordships, and it is that there does not seem to be any difficulty in the way, because the Dominion permits it to be introduced piecemeal. The moment you say the Dominion has a right to deal with prohibition, then it is for the Dominion to say in what way it shall be introduced, whether at once or in degrees, as in their opinion may be best in the interests of the trade and commerce of the country.

*Henry, J.*—If the Parliament of Canada has a right to say that no liquor shall be sold, would not that include the powers of saying that it may be sold in a restricted quantity and in a particular manner?

*Ritchie, C. J.*—No, I think not, because they need not say in so many words that they prohibit the sale of liquor, yet they prohibit it. They may say it shall not be imported into the country or manufactured in the country at all. That would effectually stop the sale of it in the country; it would not be there to be sold, and would effectually stop the Local Legislature from levying any revenue by means of licensing the sale of it. Now, it cannot be contended that the Dominion Parliament have not the right to prevent the importation; the Local Legislature could not



that. That is where it appears to me the distinction between prohibition and this little matter of police regulation of the sale of it are entirely distinct. As I said yesterday, I do not think one depends on the other. While I am still as strongly as ever of the opinion that the Scott Act was rightly decided, I prefer the ground that the majority of this court put it upon to that upon which the Privy Council based it; still I can see vast force in the question of police regulations, which are municipal regulations, recognized always as such before Confederation and in the general jurisprudence of the country.

*Henry, J.*—It will be seen, however, that the power to prohibit the importation or manufacture alters the whole circumstances of the case. If there is none in the country to be sold, then there is nothing for the Local Legislatures to act upon; but if it is in the country, if it is imported and duties paid to the Dominion Government for introducing it, and duties are paid to the Dominion Government for the right to manufacture it, then it is here in the country, and being in that condition, then the question who has the right to deal with it in its details.

*Ritchie, C. J.*—There is another view with reference to this; it occurred to me with reference to that clause there which says they shall have a right to license for the purpose of raising a revenue, that involves the question that they would not have a right to prohibit it, because the moment they prohibit, that right cannot be exercised.

*Henry, J.*—I never advocated the right of the Local Legislature to prohibit. I took it because it was not necessarily in the Dominion Parliament, either without interfering with local rights—

*Ritchie, C. J.*—Then you say the right was suspended, because if the Local Legislature had not the right to prohibit, and the Scott Act was not good law, then the traffic could not be prohibited. I say when we have a constitution we have the power to regulate all matters affecting the government of the country either in one body or the other.

*Henry, J.*—It was the intention clearly that that should be the case, but it is possible in the legislation to carry out that intention there was a failure, and that I contended was the case in the Scott Act.

*Mr. Blake.*—If, instead of this being a matter of liquor, it was to be a matter of opium, I suppose there could be no doubt that the Dominion could say "we shall not have an ounce of opium in this Dominion." They could say that, because it is such a large and general matter, but the moment they allow that article in, then it is for each Province to say how they shall deal with it—to go into the minutiae of it, to say in what bottles it shall be kept—as to all matters connected with it, each Province may make its own rules and regulations, and it is simply for the Dominion to stand, and in the large matter of whether it shall be introduced or not to speak, and in no other. All the rest is police regulation as to which it is left to each Province to speak.

What I was asking your Lordships to consider was, taking up all the liquor laws we have had before Confederation, and the liquor laws we have up to the present moment, we find that in this legislation they have followed almost slavishly the local Acts, excepting in one or two matters in which they have gone wrong. Now, there you get a Board of License Commissioners and Inspector of Hotels, License Commissioners to go up the Saguenay and away to Bonaventure, for the purpose of hunting up little difficulties there and to correct them. You have hotel licenses, saloon licenses, shop licenses and vessel licenses. Then as to the sale of liquor, in one place the quantity is not to exceed a quart, and in another place not to exceed a pint. At another place liquor is only to be disposed of when meals are served and to actual passengers on vessels, dogging every one in every Province and saying in what quantities the liquor is to be put to his mouth. And this is to be a general matter, forsooth.

*Ritchie, C. J.*—If these are not police regulations, can you suggest what would be understood as police regulations with reference to the sale of intoxicating liquors?

*Mr. Blake.*—Utterly impossible to do it. If your Lordship looks at what has been covered for thirty or forty years, in the Provinces of the Dominion, then its existence, by the term “police regulation”——

*Ritchie, C. J.*—I do not know whether, if these regulations were carried out they could not say that no billiard table should be kept in a house where liquor is sold, &c.

*Mr. Blake.*—Certainly my Lord, and they go into this just in the same way here and they say that there must be a separate front entrance to a tavern in addition to the entrance to the bar or where liquors are sold, and other details. I will just refer to each one of those small, little matters which are ordinarily left to what?—to five township councillors to take up and regulate, and the great Dominion of Canada is stooping down to regulate them here.

*Ritchie, C. J.*—This regulates the bedchambers and the doors of buildings.

*Mr. Blake.*—Yes, and the number of horses and the size of the stable, and every thing of that kind is regulated. I will give your Lordship running through the Act rapidly to call your Lordship's attention to the fact that you have all the clauses of the Ontario Act, and with the exception of two or three I will refer to, the whole of over ten clauses simply deal with police regulations and nothing more. The whole of the wholesale license and the liquor sold under wholesale license are not to be consumed in or about the house. Surely if there ever was a police regulation that is one. But saloon and such licenses they are good enough to give to the Provinces for which we do not thank them. Then the Board shall meet in February, for the purpose of defining the qualifications and conditions requisite for obtaining license, for limiting the number of licenses and the times and localities for issuing, and for fixing and defining the duties, powers and privileges of the License Inspectors, and any resolution adopted by the Board shall be promulgated within ten days thereafter. The Commissioners are to meet in March—I wonder they did not regulate the color of the clothes they were to wear. Every application for a license is to be by petition of the applicant, and every petition is to be filed with the Chief Inspector before the 1st of March, and the application for a license must be accompanied by a certificate signed by one-third of the electors entitled to vote in the polling subdivision in which the premises sought to be licensed are situated; and the applicant is to deposit \$10, to cover expenses of inspection and advertising. It is the right and privilege of any ten or more electors to object to applications for licenses, and the objections which may be taken to the license may be that the applicant is of bad character, that his premises are out of repair, that the licensing is not required in the neighborhood, that it is near a place of public worship, or school, &c. Then it goes into details, as if the people were school children. The inspector is required to report to the Board a description of the house, premises and furniture, as to the previous conduct of the applicant, as to the licensed houses in the neighborhood, as to the fitness of the applicant and as to the necessity of a licensed house in the locality, and as to whether the applicant owns the business. Each one of those, your Lordships will see, cannot be by any possibility excluded from mere small police regulations. Then as to accommodations; every hotel in cities and towns must have not less than six bed rooms, and in other places not less than three, and except in cities and incorporated towns there shall also be attached to the hotel proper stabling for at least six horses besides his own. Then no inn shall communicate with any shop or store where any goods or merchandise are kept for sale. And in addition to the accommodation I have mentioned, each hotel or saloon must have sufficient eating accommodation and for serving meals—and I ask the attention of your Lordships to this clause, 26, because my learned friend has referred to the reason why the Dominion, turning itself into a semi-philanthropic and benevolent establishment, is to look after the various hotels of the various Provinces, in order to the comfort of the travellers, and he says that is a matter of trade and commerce. Well, my Lord, if I was asked to present to the court of *reductio ad absurdum* I would simply say—give me that. If trade and commerce is to come down to looking after



the hotels in the little hamlets throughout the country, in order to encourage trade and commerce, I would say—

*Ritchie, C. J.*—Does it not require that they shall not keep the saloons, unless they keep something for the people to eat at the same time?

*Mr. Blake.*—Yes, that is what I am just reading to your Lordships. They shall have sherry and sandwich for the hungry persons of the Dominion as they go through the country. I simply wonder that they did not ask that it was only one sandwich and one glass of sherry that was required, that the man should have it for nothing.

*Ritchie, C. J.*—Some persons hold that food is more wholesome when taken with drink.

*Mr. Blake.*—That will encourage commerce and more people will travel. If you want a *reductio ad absurdum* let us have this clause as to their poking their noses into every little hotel in the Provinces to see if it is kept as it should be.

*Henry, J.*—Another suggestion is, if you get a bill of fare with chickens on it, that no old birds should be permitted.

*Mr. Blake.*—No chicken over six months of age is to be served up.

*Ritchie, C. J.*—The liquor shall not be adulterated. They will not allow you to sell adulterated liquors unless you say they are adulterated.

*Mr. Blake.*—That has been taken out of this Act, so far as this Act is concerned.

*Mr. Bethune.*—It is in another Act; it has not been repealed altogether.

*Mr. Blake.*—Of course I do not want to weary your Lordships about this, but I think it of such great moment to the case, to show that it is nothing but police regulation from beginning to end, that I am going over it as I stated that I would. Clause 26 provides that the saloon has to be a well-appointed and sufficient eating house.

*Ritchie, C. J.*—Might not this Act be entitled "An Act for regulating hotels, taverns and saloons" as well as for regulating trade and commerce?

*Mr. Blake.*—What your Lordship has put would be truthful, because it would at once have attracted attention to the fact that the Act could not be passed, and therefore it is of vast necessity to get through the whole Act and grasp what is its whole scope; otherwise one is misled by its preamble. The second sub-section of the 26th section provides that the Board may, by resolution to be passed before the 1st day of May, dispense as to a certain number of saloons in any city or town, with the necessity of their having the accommodation which I have mentioned—a sufficient supply of hay, corn and other provender. It is strange that oats are omitted. Then the minute details are carried on. The Board shall hear and determine—may authorize any person to appear on behalf of the ratepayers—may take notice if any applicant has at any time been refused, or has not held a license for two years, and this is what his Lordship the Chief Justice refers to again, "no hotel license shall be granted in respect of any house in any city, town or incorporated village, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold." The Board may also direct that licenses be issued for vessels, and the conditions of wholesale licenses are specified—the business is to be carried on in unbroken packages. Then there is a provision as to co-partnerships, &c.

*Ritchie, C. J.*—The unbroken package is taken out of the Act, is it?

*Mr. Blake.*—No, but it says no wholesale license shall be given for any one but those selling unbroken packages. It goes minutely into the security that is to be given; the aggregate number of hotel and saloon licenses that are to be granted, and so on; the number of the population, and all the little details which are found in the other License Act. The 47th clause provides that no license shall be granted by the Board for the sale of liquors within any municipality (except counties and cities) where three-fifths of the duly qualified electors have, at the polls, declared themselves to be in favor of prohibiting the sale of liquors in their locality and against the issuing of licenses. That is the section which I said was a mere farce, because it says that no license shall be granted by the Board in case "a majority of three-fifths of the duly qualified electors therein," at the polls, have said that it is not to be. Now

it is said that it is impossible to get three-fifths of the electors to vote, and you have seemingly granted us a benefit when, in reality, there can be no advantage taken of it. Then as to the mode in which that poll is to be taken, provision is made. The we have, just as we have in the License Act, provision made for the transfer of licenses and all the dealings with that, and all the other little matters relating to the removal of licenses—supposing the person removes, under what circumstances he takes his license with him. We have clauses relating to the license fund, the revocation of licenses improperly obtained, permits to sell in municipalities where no license is granted, and regulation for the registering of licenses. Then, under the head of “regulations and prohibitions,” it is provided that all licenses shall be constantly and conspicuously exposed in bar-rooms, hotels, &c.; and clause 64 requires that every hotel keeper shall keep a lamp affixed over the door of his licensed premises, but he may have a friend who may say there is a lamp post near you, and so he need not have a lamp actually in front of his place. The Chief Inspector may exempt the licensee from compliance with the regulation where he thinks that his place is otherwise sufficiently lighted. Clause 65 provides that not more than one bar shall be kept in any house or premises licensed under this Act; and in clause 66 they have gone into even greater detail, as to the prohibition of sales on certain days and at certain hours, than we have in our Ontario License Act. It provides that no sale shall take place to any person whomsoever after 7 o'clock on Saturday night till 1 o'clock on Monday morning, nor after 11 at night until 6 in the morning on other nights of the week, except for medical purposes; but there is a proviso that liquor may be sold on Sundays to the guests boarding in such houses during meals “between the hours of 1 and 3, and 5 and 7 in the afternoon, respectively, to be drunk or used at the meals at the table, but this provision shall not permit the furnishing of liquor at the bar, &c.” So that your Lordships will see again, there is looking after trade and commerce, and saying that liquor is not to be sold except between certain hours, and combining, as his Lordship the Chief Justice has said, the eating with the drinking as making the eating less unwholesome.

*Ritchie, C. J.*—They are actually legislating as to the time the meals shall be given. I think in one clause it says that they can only sell at hotels for the purpose of regular meals on Sundays; now they say it can only be within certain hours, that is, between 1 and 3 and 5 and 7 in the afternoon, fixing the hours for meals.

*Mr. Blake.*—These would rather be within the regulations as to health than as to regard to trade and commerce—“No sale or other disposal of liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever (save as hereinafter provided), from or after the hour of 7 o'clock on Saturday night till 6 of the clock on Monday morning thereafter, nor from or after the hour of 11 o'clock at night until 6 o'clock the following morning, on all the other nights of the week,” &c.

*Ritchie, C. J.*—If you admit that the Dominion Parliament conceived it had the right to make police regulations and regulate all these matters, it has the same power that the municipalities formerly exercised, then this Act is entirely consistent, but if you denude them of the right to make police regulations, and say it is vested in the municipalities, as the Privy Council seem to say, it would be impossible to reconcile these provisions with that decision.

*Mr. Blake.*—I shall not trouble your Lordships further with it, because you will find from beginning to end that is the essence and scope of this Act, and I would simply make one further observation—

*Strong, J.*—Remember we are required to say whether any part of this Act is *intra vires*.

*Mr. Blake.*—Yes, my Lord; I had that in my mind. There may be a question as to one or two of these clauses—

*Ritchie, C. J.*—You say they are all bad?

*Mr. Blake.*—I say that from beginning to end there is not a regulation in this Act that has not to do with what is covered by police regulations, well understood



and well defined, and covered by our municipal Acts. That is what I ask the court to find.

*Ritchie, C. J.*—Then, on the other hand, Mr. Bethune may say that some portions of it are good.

*Mr. Blake.*—I would only just ask your Lordships to bear in mind, in addition to that, that if your Lordships allow these police regulations in regard to this matter of liquor, of course your Lordships must allow in regard to every business man and every business matter the same minute regulations to be made for the carrying on of this business throughout the Dominion. This is not an exclusive matter. There is nothing peculiar about it, and if these minute regulations are to be allowed in the mode of carrying on this particular trade, this particular traffic, there is no reason why the Dominion should not grasp, in regard to each particular branch of business, each particular mode of traffic, and enter into that, which would be virtually completely tying up the whole of the Provinces by Dominion legislation. This does not stand at all in a peculiar position, and I do not want that it should pass simply as if because the word "liquor" is introduced here there is to be a power given to the Dominion which it is not entitled to in regard to each other of the traffic, trade or matters of making money throughout the country. I do not see really where your Lordships are to draw the line if it has the power to regulate in this—if it has, then it has the power to regulate the other matters.

*Gwynne, J.*—Have you anything to say in regard to anything in this but the liquor?

*Mr. Blake.*—What I submit I am entitled to present to the court is, what will be the inevitable result? Suppose there are trades and traffic from A to Z and the courts hold that as to trade A you have the power to make those municipal regulations, then I say take every other one and wipe away every power the Province has.

*Gwynne, J.*—But there is nothing referred to in this Act but the liquor trade.

*Mr. Blake.*—No; but if you allow this, then I do not know any trade that the Dominion may not regulate, and I do not know any power that is left to the provinces.

*Ritchie, C. J.*—For instance, there is an Act of the Ontario Legislature which regulates the petroleum trade; of course this might happen to be brought in by the Dominion also. So with reference to the storing of gunpowders. Our Legislature requires that only a certain quantity shall be kept in stores, and there are many other matters of trade that can and have been dealt with by the Local Legislatures that might be dealt with by the Dominion, as well as the sale of liquor.

*Strong, J.*—Under the municipal system in England there is a Corporations Act, which municipal corporations do regulate and prescribe the quantities of gunpowder that shall be stored in any one place.

*Mr. Blake.*—I cannot define any difference that exists between these various matters; if they are to be matters of trade and commerce and to give the Dominion power—I cannot define any difference between those and the liquor business.

*Gwynne, J.*—I do not think we are called upon to express any opinion as to what other things come under the head of municipal institutions.

*Mr. Blake.*—I am simply adducing it as an argument. Your Lordship will find, page 234 of our Municipal Manual of 1867, the regulations respecting gunpowder, and this Lordship Justice Strong has said it is dealt with in England. I did not give yesterday to your Lordships, and I do not know that it is upon our factum the Queen against Bordman, 36 Upper Canada Queen's Bench, pages 553 and 555 and in 1874, Wright, page 676, and at page 679. His Lordship Chief Justice Richards, dealing with that clause of the Act to which I referred your Lordship, and as to which I certainly would desire an expression of the opinion of the court in due course, that this clause 9 is to be read as his Lordship Chief Justice Richards read it in this Regina and Bordman, where he says:—

"There seems no reasonable doubt that, under section 92, and Nos. 9 and 16, the Local Legislature not only had power, but the exclusive right, to legislate in relation to shop, tavern, auctioneer and other licenses, in order to raise a revenue."

The exclusive right. Of course there is no argument upon it, and no reason assigned, but I should submit to your Lordships a very patent reason would be that if there be not the exclusive right within the Dominion—

*Strong, J.*—They have the exclusive right for provincial, local or municipal purposes, but there is nothing to prevent the Dominion from laying a tax under the right to raise money by any mode or system of taxation.

*Henry, J.*—That is a proposition that I would not like to agree to at present.

*Mr. Blake.*—Your Lordship may be right, but it says “the exclusive right,” and this is, I suppose, for the purpose of raising a revenue, that the Province has put a tax upon these places.

*Strong, J.*—The Dominion may raise a revenue in any way.

*Mr. Blake.*—That is a question that is worthy of consideration.

*Gwynne, J.*—Is it a question that is necessary to consider in this case?

*Mr. Blake.*—Yes, my Lord.

*Gwynne, J.*—They do not profess to do it in this case.

*Ritchie, C. J.*—The Dominion does not profess to pass this Act for the purpose of raising a revenue. All those fees are made only for the purpose of carrying the Act out, not for the purpose of raising a revenue. Out of these fees they pay the salaries of inspectors and commissioners, and all other things.

*Mr. Blake.*—Yes, but the balance goes to the Province, and therefore it is a means of raising a revenue for the Province.

*Strong, J.*—The right to raise money by license for the Provinces is vested in the Provinces, and so the right to raise a revenue for the Dominion is conferred exclusively upon the Dominion.

*Henry, J.*—Where the ground is not occupied by giving it to the Provinces.

*Strong, J.*—The power of imposing a tax by way of licenses on taverns and brewers, for that matter, is concurrent.

*Ritchie, C. J.*—That is my idea, and as to the ground being occupied, as Brother Henry suggests, it would be occupied in the same way if the Local imposed direct taxation.

*Henry, J.*—It is a proposition in Euclid that two bodies cannot occupy the same place at the same time, and if the intention of the British Parliament is to make power exclusive, how can two get into it? If you allow the Provincial Legislature to levy a tax, and if you allow the Dominion to come in and tax them also, you overbear them and destroy the right of the Local Legislature to raise taxes in the way.

*Ritchie, C. J.*—The ground is not altogether occupied. They have no powers to tax for Dominion purposes.

*Henry, J.*—If they have no right to tax for Dominion purposes, I should like to know how the Dominion have a right to tax for provincial purposes?

*Ritchie, C. J.*—So we say. I say they have no power to tax them in the Dominion Parliament for provincial purposes, but there is a power in the Dominion Parliament to tax them for Dominion purposes.

*Henry, J.*—I made the remark, that I did so, that I would not be considered as acquiescing in the proposition that the Dominion Parliament has the right to tax these parties referred to in section 9 at all for any purposes.

*Gwynne, J.*—In what section do they impose a tax for provincial purposes?

*Mr. Blake.*—In section 56. I simply re-state the proposition in regard to this fortified by the word “exclusive,” in the judgment in the *Queen vs. Bordman*. I present it with a great deal of deference, seeing that his Lordship the Chief Justice and his Lordship Justice Strong have come to a different conclusion on it.

*Ritchie, C. J.*—Not at all; I was simply saying that I understood you to say that the Dominion had no right to levy the taxation at all, but when you limited by saying that the Dominion have no right to levy it for provincial purposes, I quite agree with you.

*Mr. Blake.*—I desire to present it in both of those views, and ask your Lordship consideration of it. The first is on this section 56, which says what is to be done with this license fund:—



"The license fund shall be applied, under regulations of the Governor in Council, for the payment of the salary and expenses of the commissioners and inspectors, and for the expenses of the office of the Board, or otherwise incurred in carrying the provisions of the law into effect."

*Gwynne, J.*—You do not call that a Dominion tax?

*Henry, J.*—It is a tax to pay Dominion officers.

*Mr. Blake.*—No, my Lord; it is something that is cast by the Dominion upon these persons in the Provinces.

*Gwynne, J.*—That only says that the fund collected—what is this fund composed of?

*Mr. Blake.*—The fund referred to in section 16 and 40.

*Strong, J.*—I suppose the Dominion could raise money by licenses, and having obtained that fund it could grant the money by donation to the Provinces or municipalities.

*Mr. Bethune.*—If it has not that power then the railway grants are void.

*Mr. Blake.*—Sections 16, 40, and 45 refer to the fund.

*Gwynne, J.*—That is to cover the expense of advertising.

*Mr. Blake.*—It is a charge by the Dominion.

*Gwynne, J.*—Is it taxation for Dominion purposes?

*Henry, J.*—How can it be said that anything is for Dominion purposes when it is appropriated for the payment of salaries of persons appointed as Dominion officers? Would it be any more for Dominion purposes than paying any other officers of the Dominion Government?

*Mr. Blake.*—The license varies from \$100 to \$300. In our city of Toronto it amounts to a matter of \$50,000 or \$60,000 a year.

*Ritchie, C. J.*—It does not say that this money, though collected in this way, shall be for the benefit of the Provinces; on the contrary, all cheques drawn on this license fund are to be subject to the regulations of the Governor in Council, and are to be drawn by officers of the Dominion.

*Mr. Blake.*—Your Lordship will see that sub-section 2 of section 56 provides that "the residue on the 30th June in each year, and at such other times as may be prescribed by the regulations of the Governor in Council, shall be paid over to the treasurer of the city, town, village, parish, township, or municipality in which the licensed premises are respectively situate, for the public uses of the municipality."

*Henry, J.*—By that Act the ground is occupied. The whole tax that ought to be imposed on an individual for a license, is collected and paid to the municipal authorities, whereas by the Confederation Act, the Provincial Government has the right to tax for municipal purposes, and this Act is in direct opposition to that provision.

*Mr. Blake.*—I put it to your Lordships without further waste of time in a two-fold aspect, whether right or wrong: in the first place, that under the 56th section it is laying of a tax by the Government upon these persons in respect of the subject matter as to which the Dominion has not got the right to levy a tax. What I submit to your Lordships is that which has been expressed by his Lordship Justice Henry, and which I submit to your Lordships is not illusory, but is a statement with a good foundation for making it, that the moment you introduced the idea of exclusion in those clauses 8 and 9, then the Province has got the exclusive right to tax and the Dominion cannot interfere with it. It is said, what reason can be assigned for that? Simply this, that you get to the Provinces a very large income freed from the licensing, and if the Dominion was allowed to interfere with that, by charging \$400 or \$500 for that, where the Province charges \$200 or \$300, it might drive all those dealers out of the business, and in that way impair most seriously the revenue of the Province, and I submit to your Lordships, for your consideration, without further discussion or argument, as to whether, it being taken within the exclusive power conferred by section 92, there is that good substantial reason for allowing an interference that may virtually do away with that means of income, by

putting the persons in a position of saying, "We cannot bear the double burthen, and we retire from the business because we cannot pay the taxes to both parties."

*Ritchie, C. J.*—If that is right, it goes to show that they have got the exclusive right to issue licenses.

*Mr. Blake.*—That is what I have been arguing yesterday and a portion of today. The words, "and other licenses," although they may not include a brewer's license, means to sell wholesale instead of retail, and therefore is distinctly covered by it. Then I refer your Lordships to two cases: one, of *Slavin and Orillia*, which is referred to in 1 Cartwright, pages 702 and 703, which deals with that question.

*Ritchie, C. J.*—You read that clause as if the word "purposes" were struck out. It is exclusive as to issuing licenses and as to the purposes for which the licenses are issued.

*Henry, J.*—Then it goes on to show what it is given for—for the purposes of revenue.

*Strong, J.*—Therefore it gets down to sub-section 2 of section 91, and excludes the Dominion from the general power of taxation.

*Mr. Blake.*—What I have sought is, to give your Lordship a good reason for it and I assign it when I say if the Dominion be allowed to impose a second tax it may be, as has occurred in Ontario, that the people will go out of the business; they will say: "We cannot take out a license, because we cannot pay \$200 to the Dominion and \$200 to the Province," and the result will be that the revenue of the Province will be diminished. I was giving your Lordships the *Slavin and Orillia* case, at page 702 and 703, and pages 707 and 708; and *Regina vs. Frawley*, 2 Cartwright, page 576, at page 581.

Lastly, I should just like to say a few words upon the ground as presented here on the factum on which it is sought that this Act should be supported, and it is said that under both these heads of jurisdiction every portion of the statutes referred to must be held to be within the competence of Parliament, these two heads being to regulate the traffic, for the better preservation of peace, order and good government and secondly, the regulation of trade and commerce, and it is affirmed, on the part of the Dominion, that under both of these it is possible to sustain this Act. That is the meaning of this factum—"that the retail trade is so intimately identified with the wholesale trade, that when Parliament sees fit to interfere and enact laws respecting the whole trade, retail as well as wholesale, it cannot be successfully argued that Parliament has not the power to do so." So, your Lordships, you will see the whole case is based upon this: that wherever the Dominion has got the power to deal by virtue of the words "trade and commerce," or "peace, order and good government" in a matter, that they can deal with that *in toto*. Now I do not deny that proposition all that is put there, and it is put as the basis on which the Act is to stand; that we stand and not interfere with a word that has been said by my learned friend and myself, as against this Act; but what we do deny is, that to any extent that Act does come within the preservation of peace, order and good government, or the regulation of trade and commerce.

Now, in order to show the lengths that it has been found necessary to go in order to endeavor to induce the court to that conclusion, I ask your Lordships to look further at what is the gist of the factum on which this is sought to be sustained. Of course, a great deal is made of *Russell and the Queen*, and I pass that over because it has been so fully discussed. These words are enlarged, "The Privy Council do not intend to alter the opinion expressed in *Russell and the Queen*." The two cases are there, and it is for your Lordships to determine whether it was necessary to do it, whether they have done it. On page 4 of the factum we find the following:—

"Bearing in mind that their Lordships had present to their minds the opinion formerly expressed in *Russell vs. The Queen*, it is impossible to read pages 837, 838 and 839, of 7 Appeal cases, containing part of their Lordships' judgment in *Russell vs. The Queen*, without being driven to the conclusion that their Lordships thought that so long as Parliament did not legislate upon the subject of the



regulation of the liquor traffic, and in so far as Parliament did not so legislate the Legislature might make local police regulations for the government of licensed houses, which should be in force until Parliament did legislate upon the subject."

Now, I deny that *in toto*, and that is the means whereby, and the only means whereby it is sought to sustain this present Act. It goes back to the idea of powers in abeyance, authority in abeyance, and that although there may be something done in the way of minor matters as to the Provinces, the moment the Dominion exercises its power it overrides that.

I have said all I purpose to say with reference to the question of exclusion and abeyance, but if my argument is correct the two things cannot co-exist; it must be either an exclusion which carries in the Province and excludes the Dominion, and that being so it cuts to the root the powers in abeyance argument. My learned friend fails to find any authority upon that, and is driven to that which he stands so strongly upon for one point, Russell and the Queen, what their Lordships say we cannot listen to, citations from American text books, but while that is so in Russell and the Queen, they set out, at page 5 of the factum from Pomeroy, and it lays down the proposition which we say your Lordships cannot use as a guide:—

"In respect to measures which are properly, though perhaps indirectly, regulations of trade and commerce, if Congress, proceeding under the general power conferred upon it, has already legislated upon any subject connected with foreign commerce or with that among the States, the several States are entirely deprived of any authority over the same subject matter—they are entirely cut off and debarred from the exercise of the legislative function. The prior occupation of the field by the National Legislature excludes any participation therein by the individual States, but if Congress had not legislated, if these powers, as given by the constitution, lie dormant, the States are free to act. Their action, however, is not absolute and final; it is only conditional, it is certainly subject to be displaced by the laws of Congress, if that body should see fit to exercise its power and regulate the particular subject." And my learned friend proceeds to say—"all the cases are agreed as to the correctness of this proposition, but in its application there may be some diversity."

And the whole of this factum is based upon the proposition that you can have powers in abeyance, that you can have an Act of a Province in regard to it, but the moment the Dominion steps forward and insists upon making active those dormant powers, then the field is entirely taken from the Provinces. The whole factum is based upon that, and it is said that all the cases are agreed as to the correctness of this proposition. Now I submit that the cases I presented yesterday and to-day show that instead of that the courts say "No"!

*Mr. Bethune.*—That is, the whole of the cases in the United States?

*Mr. Blake.*—It does not say so here.

*Mr. Bethune.*—That paragraph should be included in the quotation.

*Mr. Blake.*—Whether it is the high authority of Mr. Pomeroy, or the higher authority of Mr. Bethune, there it stands as a proposition which is either Mr. Bethune's, or Mr. Pomeroy's introduced by Mr. Bethune.

*Mr. Bethune.*—That is a mistake in the quotation—the last paragraph is a part of the quotation.

*Mr. Blake.*—I will take it either way. It is simply taken as the basis on which your Lordships are to declare that this Act is valid. What I am submitting to your Lordships, if there is any one thing clear in the case it is that clear dividing line, but that the court will have a certain amount of difficulty in saying where the Province is to come and where the Dominion is to come, but the reason of the difficulty is because there is this exclusive power and not because there is this overriding power. The moment you admit that there is power to override, all the difficulties are overcome; the Dominion, in 1883, passed this Act, and by virtue of that the Province is entirely out of the way. So I submit this is a fallacy based on what may be the rule in the United States, but from the decision of your Lordships and of the Privy Council we have a different rule, and must approach it in a different way, and no idea of powers in abeyance can regulate the decision of this case. Some citations

are given from Hodge and the Queen, and it is submitted here, and your Lordships will find that it is following out that proposition, at page 6, and that it is a reasonable deduction from it :—

“It is submitted, therefore, that the true interpretation of *Hodge vs. The Queen* is, that so long as Parliament does not legislate upon the subject of the liquor traffic the Provincial Legislature may make regulations for the preservation of decency and order in the municipalities within the Province, touching the licensed houses and matters of merely local police, but that when Parliament does legislate respecting the traffic, these regulations, so far as they may be inconsistent with the general regulations of Parliament respecting the traffic, must give way to the paramount regulation of Parliament.”

Now I ask your Lordships as to whether, upon the authorities, it can be said satisfactorily that that is the case? Is it not that within the area and within these particular matters the Provincial Legislature is paramount, and therefore no idea of the paramount power of the Dominion Parliament can exclude the Provinces, and still it is upon that that this is based. Then I submit that at the latter portion of page 8 you get what also is the fact, and that it is one that is strongly in favor of the position of the Provinces :—

“Under the British North America Act it was intended that, so far as possible the law of Canada, respecting trade questions, should be the same throughout its whole extent. Then Parliament also thought the proper regulation of the trade required that it should be entirely severed from municipal control.”

Which involves what? That it did exist under the control of the municipalities that it was a matter of municipal institution; and my learned friend says that the Dominion, finding it was a matter of municipal institution, says, “We will sever it.” The very word “sever” shows that it was at one time part of it, and therefore I submit to your Lordships it just exactly invades what we say they had no right to invade. Our municipal institutions covered this, and the Dominion is seeking to sever, to cut away, to deprive us of what, if the fact is admitted, was a part of our municipal institutions; I submit, as I did to your Lordships yesterday, that page 9 of this factum gives what is the *reductio ad absurdum* of this matter, and it shows the direction to which this is tending, and the length to which this would go. It is this:

“It is further submitted that the regulation of the hotel system throughout the whole of Canada is not a matter of a merely local or private nature, but that the whole travelling public throughout the Dominion are greatly interested in the proper regulation of the hotel system, and that it ought not to be left to merely local municipal control.”

Well, if there was a single thing that we thought could have been taken under our control, it was the hotel system; and still it is said that, by virtue of those words “trade and commerce”—trade and commerce run mad. I should have thought they can take hold of the minutiae of the hotel system, which we consider that we alone are entitled to regulate. That is the result of opening the door of trade and commerce, and allowing trade and commerce to cover everything. It is said that the jurisdiction of the Dominion Parliament extends to every portion of that trade. I submit that the true mode of looking at it is to say what is the nature of the subject-matter, and to see whether, from its nature, it comes within the Dominion or within the Province; and if your Lordships conclude that it comes within the Province, then, so far as the regulation of that is concerned, it is a matter for the Province, and not for the Dominion, to deal with it.

For these reasons, and regretting that I should have claimed so much of the time of the court, I think that the Act respecting the sale of intoxicating liquors and the issue of licenses therefor is one which, *in toto*, must be disallowed.

*Mr. Church.*—My Lords, I have had the honor of placing in your Lordships' hands the factum which, on behalf of the Province of Quebec, has been prepared by my colleague and myself, and the fullness of that factum, together with the learned and elaborate arguments which have fallen from the counsels which preceded it, will perhaps justify me in saying that I do not propose to follow my factum through-



its whole length, but will offer to the consideration of the court some general observations in regard to the manner in which I think this Act should be construed and determined, as well as some general observations with regard to some of the peculiar features under which the Province of Quebec finds itself placed. I quite understand that the general rule which prevails with regard to the interpretation of a statute—that is, that you shall not travel outside of the statute for its interpretation—is one of general acceptance, and very properly so; but there are statutes of such an organic character, statutes so entirely different from others, that it is a pretty well established canon of interpretation that when such statutes do come up for interpretation some latitude is to be allowed in their consideration.

Now, as respects the construction of this statute, it appears to me that its history forms a very important part, especially so in connection with the Province which I have the honor to represent. The Province of Quebec, at the time of Confederation, had certain treaty rights which were guaranteed to its people. For instance, it had the civil law of the country, and it had also the free exercise of religious matters, and in addition to those treaty rights it had certain Imperial legislation, which, by the Confederation Act, it was formally declared should not be considered abrogated, but should continue in force until such times as the Imperial Parliament should abrogate or modify it.

In addition to that, the Province of Quebec, like the Province of Ontario, apparently in view of the fact that Confederation was impending, and that under their municipal system certain matters had been confided to local administration, appears to have taken into consideration the necessity of dealing largely and finally with the subject of municipal institutions; and it will be observed, on referring to the legislation respecting those matters in Ontario, as well as in the Province of Quebec, that just prior to Confederation there was, as it were, a consolidation of the municipal Acts, and in addition to the consolidation, certain enlarged powers were given to the various municipal corporations which, previous to that time, had not been given.

Quebec, as well as Ontario and the other Provinces that entered into Confederation, evidently valued those municipal rights, and it appears to me that in that fact is to be found an explanation of the circumstance why the words “municipal institutions” were introduced into the 92nd section, where the powers of the Provincial Legislatures were defined. Under these circumstances the Province of Quebec, placed geographically in a peculiar position, by the circumstance that she is surrounded by a population speaking a different language and with a different body of civil laws to herself, knowing that she had certain rights guaranteed to her by treaty, knowing that she had certain rights guaranteed to her by Imperial legislation, and knowing that the Confederation Act guaranteed to her other rights such as I have referred to, in municipal institutions, she entered without fear or hesitation into the Confederation; and I think, in the interpretation of this Act, and in the construction which is to be given to the various clauses, these circumstances and matters are of very great importance and ought not, under any circumstances, or in connection with any case whatever, be lost sight of.

Now, the question which is submitted for the consideration of the court here is: First, are the following Acts in whole or in part within the legislative authority of the Parliament of Canada, namely, the Liquor License Act 1883, and “An Act to amend the Liquor License Act, 1883;” and the second question is, if the court is of opinion that a part or parts only of the said Acts are within the legislative authority of the Parliament of Canada, what part or parts of the said Acts are so within such legislative authority?

Of course, as it has been stated here, there is but one canon, apparently, to appeal to, in order to solve this question, and that is to refer to the distribution of legislative powers as they are set forth in the Confederation Act. As respects the distribution of legislative powers, it will be observed that whilst the 91st and 92nd sections refer merely to the distributions of legislative powers, they are followed by the 93rd, 94th and 95th sections of the Act. There, in the 93rd section, it will be observed that in matters of education there is a limitation of the right of any legisla

tion whatsoever. In the 94th section there is a provision for uniformity, which uniformity, however, only respects some of the Provinces, and in no respect trenches upon the rights of the Province of Quebec. We have heard a great deal, in the course of this argument, on the subject of uniformity, but it seems to me there is no provision whatsoever, within the confines of the British North America Act, which contemplates or authorizes uniformity in legislation in regard to any matter. Either a thing is wholly and exclusively within one power, or it is wholly and exclusively within another power, and in the matter of uniformity, as a motive towards legislation, as has been said by one of the learned judges to-day, the motive has nothing to do with the legislation which falls under a constitution like ours, because the exclusive legislative power being either in one place or the other, the motive has nothing whatever to do with it. The motive may be good or it may be bad, but the Act must stand on its own merits.

Then there is section 95, which provides for concurrent legislation. That is the only clause also in which concurrent legislation is rendered possible. The exclusive character of the legislation which pervades the whole Act is there broken in upon for certain purposes. Those purposes are set forth in these words:—

“In each Province the Legislature may make laws in relation to agriculture in the Province and to immigration into the Province; and it is hereby declared that the Parliament of Canada may, from time to time, make laws in relation to agriculture in all or any of the Provinces, and to immigration into all or any of the Provinces.”—thus showing the concurrent character of the legislation to which I have referred—“and any law of the Legislature of a Province relative to agriculture or to immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.”

Now, these are the only provisions of the Act, as I find them, respecting conformity and concurrent legislation. Now, as has been set down in one of the judgments which have been rendered by the Privy Council, there is a canon of interpretation which their Lordships are disposed to apply to every case coming before them in regard to this constitution. That is this: If the Act be passed by a Local Legislature, the question is—is it expressly and exclusively authorized by section 92? And if it be expressly authorized by section 92, is there any authorization in section 91 which would have taken it out of the enumeration of subjects in section 92 and put it in section 91 where the Dominion Parliament would have to deal with it? Now it will be observed that the Act which is under consideration here is not, of course, the Ontario License Act, nor the Quebec License Act, nor the license laws of any of the Provinces, but the License Act passed by the Dominion. In order to determine whether the Act is *intra vires* of the Dominion Parliament, it becomes necessary of course to look at all its provisions, and the cases submitted evidently contemplated that that should be done in the most minute manner, because this court is asked to declare, if any, which of the clauses are valid.

I have prepared a short epitome of the Act here, in the course of my factum, and perhaps the court will bear with me, as a shorter way, if I cite from it rather than give it extemporary here. After dividing the Dominion into a number of license districts, it proceeds to classify the various licenses as: First, hotel licenses; second, saloon licenses; third, shop licenses; fourth, vessel licenses; and fifth, wholesale licenses. It gives a definition of each class. It provides procedure relative to application for and opposition to the granting of licenses, and establishes certain statutory conditions for the granting of licenses, which the Board could not dispense with although they might establish further restrictions than those provided. It provides that municipal councils throughout the Dominion may, by by-law, still further limit the number of licenses to be granted, or may, by a vote of three fifths, decline to have any licenses, and further provides the manner in which the vote is to be taken in such cases. It also provides for the transfer of licenses in certain cases, establishes the fees payable upon licenses, and organizes a license fund, to be used for the payment of expenses relating to the issue of licenses, and the surplus, if any, to be handed over to the various municipalities. It provides for the issue of permits to sell for



certain purposes where no license is granted. It provides for the keeping of a register of licenses, for report to the Minister of Inland Revenue, and regulates the conduct of licensees and establishes fines and penalties. Sections 79 and 80 prohibit the adulteration of liquors, provide means for the discovery of such adulteration and establish penalties. Sections 81 and 82 empower inspectors and other officers to search premises and provide means for carrying it out. Sections 83 to 93 prohibit the sale of intoxicating liquors without license, establish further limitations on the right of licensees to sell, and provide penalties for contravention. Sections 94 to 100, inclusive, contain provisions against bribery and fraud in relation to the obtaining of licenses. Now, it will be observed that this Act is not a Revenue Act at all. It is purely a regulative and restrictive Act. It does not even involve the idea of prohibition, except to a limited extent, and not in the form of total prohibition, but only in the form of local prohibition. It will also be observed that it is not the exercise of power by the Dominion Parliament in the sense of taxing for a revenue, that is, a revenue to be expended for Dominion purposes, but there is, of course, a certain balance of taxation which is provided for and which may or may not arise, and for the distribution of the balance of that fund—but I mean as a source of revenue, properly so called, the Act is not a revenue Act. It gives its reasons in the preamble for the passage of the Act and states in terms what excludes the idea of its being a prohibitory Act, that is, it being desirable to regulate the traffic in the sale of intoxicating liquors, and that the law respecting the same should be uniform throughout the Dominion, and that provision should be made in regard thereto for the better preservation of peace and order. It is perfectly clear that if this legislation is good it supercedes all provincial legislation in effect. That is the first defect, speaking in general terms. But the Act goes beyond that, and in order to remove all doubts on that point, it declares in terms, that after the expiration of a certain date, which is fixed in the Act, the laws which are in force in the various Provinces shall no longer be in force.

*Gwynne, J.*—What clause is that?

*Mr. Church.*—Section 146:—

“Until the first day of May, in the year one thousand eight hundred and eighty-four, all the laws of Provincial Legislatures of the Dominion, passed for regulating or restraining the traffic in liquors, shall be, and they are hereby made, as valid and effective, to all intents and purposes, as if enacted by the Parliament of Canada.”

This is a sort of omnibus form of legislation, by which two things are done, first of all, all the provincial legislation of all the Local Legislatures, in respect of these matters, up to a certain date and beyond a date at which the Act was passed, shall be valid and effectual. Now, this is a form of legislation which, I think, is singular in its character. I will not say whether it is, in my mind, constitutional and valid, but I say it is a very peculiar form of legislation, and it is followed by the clause—

*Ritchie, C. J.*—It says it shall be valid up to that time; it does not say that it shall be valid after that.

*Mr. Church.*—It virtually says that it shall not. Section 83 provides that “no person shall sell, by wholesale or by retail, any liquors, without having first obtained license under this Act, authorizing him to do so.”

*Ritchie, C. J.*—No person shall sell unless he obtains a license under this Act, but that does not necessarily repeal the local legislation, because they may take licenses under both Acts. That is what they are doing now, I am informed.

*Mr. Church.*—That is inconsistent, it appears to me, with the idea of exclusive legislation being in one body.

*Ritchie, C. J.*—I do not see exactly that your proposition is borne out by the two sections, that is to say, that the Dominion Parliament has repealed—

*Mr. Church.*—I do not say repealed.

*Strong, J.*—It contains internal evidence that it proceeds on the assumption of exclusive power.

*Gwynne, J.*—Section 146 adopts, as Dominion legislation, the local Acts, until the other Act comes in force. Section 83 says “no person shall sell, by wholesale or by retail, any liquors without having first obtained a license under this Act authorizing him so to do.”

*Mr. Church.*—It can hardly be said that it adopts this legislation, but it permits it to remain in force.

*Gwynne, J.*—The 146th section is simply adopting, until the 1st of May, all the laws of the Provincial Legislatures regulating the traffic in liquor.

*Ritchie, C. J.*—I do not think the Legislature could have contemplated what you contend for by this section, because if they did that they would be repealing the power of the Local Legislature to raise money by wholesale or retail licenses. That is what they do. In the lower Provinces, with which I am more intimately acquainted there it is clearly a matter of revenue as well as of regulation. The imposition there is not a mere matter of granting licenses for the purpose of regulating the sale of liquor, but licensing for the purpose of raising a revenue. Now, if all those Acts are repealed by this legislation it repeals the power expressly given to the Local Legislatures in the 2nd section. So far from repealing the Acts, there is a clause in the statute which says that the licenses shall not be issued until payment is made of the fees to the Local Legislatures for licenses granted by them.

*Mr. Church.*—Yes, the 2nd sub-section of the 7th section.

*Strong, J.*—On the one hand, it is not a regular Act of the Dominion, and on the other, the revenue rights of the Provincial Legislatures are expressly saved by the Act, and therefore it leaves it purely a matter of police regulation.

*Ritchie, C. J.*—And therefore it appears to me, from your proposition, that the two sections have the effect of repealing the local legislation.

*Strong, J.*—It is not a revenue Act; it is not an Act interfering with the revenue rights of the Provinces, and it is not a prohibitory Act.

*Mr. Church.*—The three sections, 146, 83 and sub-section 2 of section 7, read together, mean this, first of all, that the legislation which had been passed by the various Provinces is confirmed, declared valid and continued up to a certain date; that after that date this Act goes into force, and, as I humbly submit, practically repeals the Acts which had preceded it, and for this reason there appears to me only one authority by which a license to do a thing may be granted. Only one body assumes it. It assumes it either by excluding the authority of the other, or to the reverse. Now, this body has assumed the right to license, and has gone beyond that, and declares that no liquor shall be sold unless by persons licensed under its authority. In other words, it excludes all persons who are not authorized by itself; and it goes on to say that a certain revenue, which, by constitutional right, is afforded to the Provinces, shall be continued, notwithstanding the provisions of this Act.

*Ritchie, C. J.*—It is open to you to say this, that the local legislation is preserved as to the raising of a revenue, but it is swept away as to any Act of the Local Legislature which is inconsistent with this Act.

*Mr. Church.*—Or which confers licensing power.

*Ritchie, C. J.*—No; because they cannot raise a revenue without licenses.

*Mr. Bethune.*—There is nothing in this Act to prevent the Provinces saying “You must take a license from us, too.”

*Ritchie, C. J.*—For the purposes of revenue. If there is a conflict—if this Act invalidates the local Act must give way.

*Mr. Church.*—The Act not being a prohibitory Act and being merely an Act of restriction and regulation, the question, of course, arises—what is the nature of the legislation and where does the authority rest to pass legislation of the character of restrictive legislation or regulative legislation with regard to the issuing of tavern licenses? Chief Justice Dorion, who took part in the debates on Confederation, has pronounced a dictum with regard to the interpretation of the British North America Act on these matters, which is of value. It will be found at page 4 of my factum and reads as follows:—



"The British North America Act was passed for the very purpose of allowing each Province to regulate its own internal concerns—including civil rights—without interference on the part of the representatives of the other Provinces through the Dominion Parliament, &c., &c."

The citation continues, which I have not included, but which your Lordships will find at page 389 of 1 Cartwright's cases. Now, the question is, whether all this legislation which is contained in this Act that is under consideration is of the character of something regulating the internal concerns within the Provinces, what has been called here, apparently by general acceptance, the police power of the Provinces. If it be the police power of the Provinces, then according to the scheme of Confederation it is clearly, following the dictum of Chief Justice Dorion, within the scope and intention of the British North America Act, that it should be dealt with, not by the Parliament of Canada, but that it should be dealt with by the Local Legislatures. There are other references in the factum on the same subject which I need not delay the court by reading, but simply refer your Lordships to them. Judge Haggarty has also given a judgment on the same subject, which will be found in my factum.

It has been submitted here, and I submit again, that this power which is claimed by the Dominion Government is not contemplated by any of the clauses of section 91, but is contemplated and contained within the clauses embraced in section 92. It is pretended, on the part of the Attorney-General here, that under two sub-sections of section 91, or rather under the general recitation and under a certain section, this power exists in the Dominion Parliament. The first is found under what has been called the "peace, order and good government clause;" the second under the "regulation of trade and commerce" clause. On the other hand, it is pretended that it is within the 92nd section, and that it is found under the head of the 8th sub-section—municipal institutions in the Province—the 9th sub-section, "shop, saloon, tavern, auctioneer and other licenses in order to the raising of a revenue for provincial, local or municipal purposes;" or within the 13th sub-section "property and civil rights in the Province;" or the 16th sub-section, "generally all matters of a merely local or private nature in the Province."

An effort has been made here to find a definition for each of the principal sections which have been the subject of discussion. For instance, an effort has been made to find a definition, as established by the Privy Council, for the 2nd sub-section of the 92nd section—the words "regulation of trade and commerce"—and also a definition for the 8th sub-section of the 92nd section "municipal institutions in the Province." It appears to me there are certain general observations which are necessary in order to judge which of these is the correct ground. I confess, at once, at the outset of what I am going to say, that I personally remain unconvinced that there is any such thing possible under our Act as an overlapping. Distribution of legislation is provided for, but this distributive legislation is of an exclusive character. Such a thing as nullification, in the manner that is spoken of in the factum of my learned friend, is utterly impossible. The only nullification which is possible, and which is not contemplated by section 95, does not rest with the Parliament of Canada, but rests with the Executive power, or the Privy Council of Canada, by virtue of the veto power, when exercised by the representative of the Sovereign. There, it appears to me, is the only source of nullification, and this saying that there is a border left where that line may be drawn and that that line is overlapped, the one by the other, appears to me to be absolutely inconsistent with the distribution of power by the process of enumeration, if not of description, as set forth by sections 91 and 92. If, then, I am right, the difficulty may be greater in establishing the jurisprudence under our system, but once the jurisprudence is established it will be a clear and defined line, so that there shall be no difficulty afterwards in knowing where the legislative power begins and ends in one Legislature, and where it commences and ceases in the other. Vattel says (you will find it quoted on the 5th page of my factum), at page 246:—

"In the interpretation of a treaty or of any other deed whatever, the question is to discover what the contracting parties have agreed upon, to determine precisely

on any particular occasion what has been promised and accepted, that is to say, not only what the parties intended to promise, but also what the other must reasonably and candidly have supposed to be promised him, what has been sufficiently declared to him, and what must have influenced him in his acceptance."

If we suppose this to be speaking as applied to the people of the Province of Quebec, when they accepted this as their part of the legislative control of the affairs of the Province of Quebec—municipal institutions in the Province—we are in a position to enquire what was meant by those who gave them that legislation, and what was meant by those who accepted and received it. "Municipal institutions in the Province" was something very well understood. It has been stated here that municipal institutions in each Province cannot be the guide, because they may be different in the various Provinces. I do not see any great difficulty in that, because municipal institutions are possible of being grouped and classified—that is, the police power—though it may run into various sections of the Act and though those sections may cover distinct and separate matters of detail, still the general features are capable of being grouped, and when grouped and understood, as it appears to me in the various Provinces where municipal institutions existed they were, would be the correct meaning and intention of this Act. Now, it appears to me that there was great uniformity, great similarity in the police power which had been confided to the various Provinces. It may be that in the matter of some particular license there may have been certain latitude given to one which was not given to another. It may be that in legislation there was some distinctive difference as to particular localities but in the general characteristics, in the broad ground of legislative power given to the municipal bodies, there was singular uniformity and similarity. Now, what do we find in that connection? In Nova Scotia the police powers which had been confided to the municipal organizations there, shown at page 12 of my factum, were:—

"The enforcing of the due observance of the Lord's Day; the prevention of vice, drunkenness, profane swearing, obscene language and any other species of immorality or indecency in the public streets and roads, and for preserving peace and good order in such streets and roads and in public places or taverns; for preventing the excessive beating or cruel treatment of animals; for preventing the sale of an intoxicating liquors to Indians, children, apprentices or servants; for restraining and punishing all vagabonds, drunkards and beggars, and all persons found drunk and disorderly in any street, road or public highway in the county."

In the same chapter of the same statute it is provided:—

"All powers and authorities now vested by law in the grand jury and session in special sessions, or in justices of the peace, to make by-laws, impose rates and assessments, appoint township or county officers, or make regulations for any county purpose whatever, after the incorporation of any municipality, shall be transferred to, vested in or exercised by the municipal council only."

I shall not pursue all this, but I may say that the New Brunswick Acts—I have cited them all here, or such of them as I am acquainted with (and representatives of the various Provinces will supplement them if they find them defective)—the powers which are conferred upon New Brunswick appeared to be almost identical with those conferred on Nova Scotia. Now, comparing those which have been conferred upon those Provinces with the powers conferred upon Upper and Lower Canada, it will be seen that they are almost precisely alike. For instance, with regard to the Province of Lower Canada, the law governing the matter, as it existed at the time of Confederation, is found in the Consolidated Statutes of Lower Canada, chapter 2, entitled "The Lower Canada Consolidated Municipal Act," section 26 of which is as follows:—

"Every county council may make and, from time to time, may amend or repeal a by-law or by-laws, for all or any of the following purposes, that is to say:—

"Subsection 11.—For prohibiting and preventing the sale of all spirituous, vinous, alcoholic and intoxicating liquors, or to permit such sale, subject to such limitations as they shall consider expedient.



"Sub-section 12.—For determining under what restrictions and conditions and in what manner the revenue inspector of the district shall grant licenses to shopkeepers, tavern keepers or others to sell such liquors.

"Sub-section 13.—For fixing the sum payable for each such license, but such sum shall in no case be less than the sum payable therefor on the 1st day of July, 1856."

I may say, in explanation of that, what the court probably is familiar with : it refers to a fund which was in connection with the seigniorial indemnity fund, and which was intended to recoup the Provinces for outlays made in that connection.

"Sub-section 14.—For the ordering and governing all shopkeepers, tavern keepers or other retailers of such liquors, in whatever place they may be sold, in such manner as the council deems proper and expedient for the prevention of drunkenness."

From the foregoing it is evident that, previous to Confederation, in the practice of all the Provinces which formed the Dominion at its inception, the regulation of the traffic in liquor was considered a matter for municipal control and supervision. Now, it will also be found, on referring to the municipal Acts of Ontario and Quebec, and I apprehend the same with regard to the others, though I cannot speak with authority, there were other and additional police regulations and municipal regulations which were confided to those bodies, and they were of a somewhat extensive character. Not only was there a provision with regard to the sale of spirituous liquors, but there was also power with regard to the acquiring of property, power of preventing abuses prejudicial to agriculture, of a peculiar kind, such as the impounding of animals, &c., the regulation of bread, which is of a police character, and then there were a variety of other powers with regard to the preservation of the public health. All these were police powers which were enumerated by those Acts, and which were confided not only to the Province of Quebec, but also to the Province of Ontario, and I have reason to believe to the other Provinces. Now, it appears to me that we have only to look for a definition which will show what these various powers mean, in order to group into one single word, to see whether we have or have not in them the police power which it is conceded all Governments possess, and which, of course, the Province of Quebec possessed in and by virtue of the great power given to it in relation to these municipal affairs. Blackstone defines the public police and economy as the due regulation and domestic order of the kingdom, whereby the inhabitants of a state, like the members of a well governed family, are bound to conform their general behavior to the rules of propriety, good neighborhood and good manners, and to be decent, industrious and inoffensive in their respective stations. (4 Bl. Com., 162) Then Cooley, in the 3rd edition of his Constitutional Limitations, at page 72, defines it as follows :—

"The police of a State, in a comprehensive sense, embraces its system of internal regulation, by which it is sought not only to preserve the public order and to prevent offences against the State, but also to establish, for the intercourse of citizen with citizen, those rules of good manners and of good neighborhood which are calculated to prevent a conflict of rights, and to secure to each the uninterrupted enjoyment of his own, so far as is reasonably consistent with a like enjoyment of rights by others."

Now, these are municipal and police regulations which are set forth in detail in our municipal code, and which, I contend, must have been meant by the 8th sub-section of section 92, under the term "municipal institutions in the Province." If, then, they were included in the 8th sub-section, the question arises, were they so included to the exclusion of all other legislative authority? Now, I apprehend that section 92 must be read as part of section 91, or as an exception to section 91, and what do we find? Suppose I interpolate the word "except," it reads as follows :—

"It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater

certainly, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this Act) exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say: " If read to wit there as an exception, and I came to municipal institutions in the Province, and that term means municipal institutions in the Province which will feel the necessity of invoking, and I ascertain what "municipal institutions" meant at the time of Confederation, in the Province of Quebec, and we find that those were conferred exclusively upon the Local Legislature, it would not be difficult for us to read that the control was exclusively with the Local Legislature, and if exclusively there, there could be no overlapping; there could be no borderland, but well defined authority, and any invasion by the Parliament of Canada of that police power would be an invasion of the rights of the Local Legislature, and in this invasion, in that regard, and every regard, it would be *ultra vires* of its powers. I may say it is also contended, and contended, as it appears to me, with very good reason, that if there were any doubts with regard to the powers of the Local Legislature to deal with the licensing question, it would be found expressly given in connection with sub-section 9 of section 92, wherein it says:—

"In each Province the Legislature may exclusively make laws in relation to shop, saloon, tavern, auctioneer and other licenses, in order to the raising of revenue for provincial, local or municipal purposes."

Now, this section, as it appears to me, is to be read in one of two ways, either in a limited sense or in a broader sense. The limited sense is, as I understand it, that these matters—shop, saloon, tavern, auctioneer and other licenses—can only be dealt with for revenue purposes, and cannot be dealt with in any other way. I think if the clause stood alone that interpretation would probably be the correct one, but if Chief Justice Spragge's be correct, and it appears to me it is, that it is to be read as part of No. 8, and that it is merely separated by the process of rotation which has been adopted in the Act, then its meaning is somewhat different, because then it would be the exclusive licensing system over these bodies would be in the hands of the Local Legislature, and the reason of its being given that is in order that they might have something added to their revenue in addition to the revenue confided to it by the other sections of the Act. Whether that be so or not it does not seem to be of very great importance, because it appears to me there is no difficulty at all in bringing these matters within sub-section 8. There are the other sections as to which I may say a few words: First, the 13th sub-section, "property and civil rights in the Province." I do not pretend that this is legislation with regard to property, but it is legislation with regard to civil rights, because, as I understand it, the right to deal in any matter of commerce is the civil right of any individual in the State. He has a right to be protected in the enjoyment of the rights of citizenship, and one of the rights of citizenship is the right to deal in any article of trade. If it is a matter of civil rights to deal, then it is clearly within the right of that Legislature which deals with civil rights. I do not mean to say that the Dominion Parliament might not make a transaction with any particular thing an offence, and once having created an offence, should take it out of the power of any other body to deal with it, but so long as it is not made an offence, so long as it is a matter of civil rights, and no attempt is made to interfere with the individual in the enjoyment of the exercise of that civil right, it appears to me to be within the control of the Local Legislature. I do not see what was the object of introducing the expression "civil rights" if it was intended to be made analogous with property. If it was so intended, of course there was no necessity for it.

*Ritchie, C. J.*—There are rights, independent entirely of civil rights, in property.

*Mr. Church.*—It seems to me that the right of traffic in an article is the right of an inhabitant of a State. But passing from that—because, as I have said, if it were a matter regulated by the civil law, I do not see how the Federal Parliament would have any control over it—we come to the 16th sub-section, which is one with which



here has been a good deal of difficulty. The question is, what does that mean? I confess I have a good deal of difficulty, and it is with a certain degree of diffidence that I offer any opinion on it, in view of the opinion of the judges in the various courts; but it appears to me there is an interpretation to be put upon that which is only to be had by reading all the sections together. There are three references to local and private matters. The first is this, in section 91: "It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces." Then "for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that notwithstanding anything in this Act) the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated;" then follows the enumeration, "and any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the legislatures of the Provinces."

Now, it seems to me that the matters which are meant here are those matters which are contained in the twenty-eight preceding sub-sections, and which may be considered of a local or private nature, or those local and private things which are spoken of in sub-section No. 10 of section 92, and the meaning of the 16th sub-section of the 92nd section is that any local matter which is not found in the 28th sub-section of section 91, and not included in the 10th sub-section of section 92—that is the legitimate meaning of sub-section 16 of section 92. If that be the case, then the question is in connection with the regulation of the sale of liquors and the restriction of their sale, whether there is anything in section 91; if there be nothing there by enumeration, which would include it, then it is included in sub-section 16 of section 92, if it is not included in sub-section 8.

So much for the general principles upon which it appears to me this matter should be determined. Now, with regard to the application of those principles: On taking the various sections of the Act which is under consideration, and the various licenses which are spoken of, it will be seen that there are five different classes of licenses.—1. Hotel licenses; 2. Saloon licenses; 3. Shop licenses; 4. Vessel licenses, and 5. Wholesale licenses. Now, it appears to me there cannot be any difficulty whatever about the first three being considered under the legislation which existed at the time of Confederation, under the expression "municipal institutions in the Provinces," and under the expression "matters of a local or private nature." It does not seem to me that there can be any difficulty whatever in grouping them. The only difficulty is as to vessel and wholesale licenses. I am willing to admit, for the sake of argument, that if we have prohibition, properly so called—that is, whether an article should be introduced into or manufactured in the country—under the second sub-section of section 91 the Dominion Parliament would have control over it. I am willing to press the matter somewhat further for the sake of argument, and say that as the control over the matter while it is in original packages—that is, while dealing with it as a wholesale trade—while it might be held to be a matter of large concern, that the Dominion Parliament perhaps might properly claim exclusive control. As respects the dealing with it on board vessels in Dominion waters, I have very much greater difficulty in making any concession of the kind because, it appears to me, the country consists of both land and water; the municipal affairs of the country are not limited merely to the land; they are distributed over the whole country, and I do not see anything in the spirit or letter of the Confederation Act which would alter that view. It, perhaps—

*Ritchie, C. J.*—Is there not, on the contrary, in the Dominion Act, in those matters given to the Local Legislature—is there not that which would inferentially lead to the conclusion that with reference to shipping within the waters it belongs to the Dominion, because they have there made an exception that the vessels of lines of

steamers from one port in the Dominion to a foreign port are excepted, and many other matters of that kind are excepted. Would not that, by inference, show that lines of shipping within the Province are under the control of the Local Legislatures?

*Mr. Church.*—Under this sub-section—"lines of steam or other ships, railways, canals——"

*Ritchie, C. J.*—Would not that show that lines of shipping within the Province are within the jurisdiction of the Local Legislature?

*Henry, J.*—Would there be any doubt about it? If it is a local undertaking, it is applicable to the Province; it gives all those generally, with the exception of those lines going outside of the Province, and it necessarily gives jurisdiction to the local authorities over those that are within the Province.

*Mr. Church.*—As far as "navigation and shipping" is concerned, that cannot refer to matters of police transactions, or matters of licensing upon a vessel, if those engaged in navigation and shipping desired to have a license.

*Ritchie, C. J.*—I had occasion, I think, in the Russell case, to point out what thought was the inferential effect of this clause, showing that there were many things, such as navigation and shipping, given to the Dominion Government, and there were other matters connected with the same things which were given to the Local Legislatures.

*Strong, J.*—*Mr. Church* is merely arguing with reference to the sale of liquor on board of vessels.

*Mr. Church.*—Yes, my Lord; I was saying that as respects the matter of whole sale licensing, there may be something to be said in favor of the right of the Dominion Parliament under that clause, regulation of trade and commerce, to control it either before it enters into the country or up to the moment that it breaks bulk so to speak, but the moment it becomes incorporated into the property of the country——

*Ritchie, C. J.*—You would treat it as packages are treated in the United States as connected with foreign trade. It becomes susceptible to police regulations when the package is broken.

*Mr. Church.*—Yes, my Lord.

*Ritchie, C. J.*—Then the distinction there is between foreign trade and internal trade. The control of both trades is here conferred upon the Dominion.

*Strong, J.*—Your definition of a package is the proper one, as regards the United States system, but when it becomes incorporated into the trade of the country it ceases to be a matter of commerce, it ceases to be a matter of general importance, and becomes a matter of minor traffic.

*Mr. Church.*—And not only that, but I press the argument a little further, and say the moment——

*Ritchie, C. J.*—It then becomes susceptible to police regulations.

*Mr. Church.*—Yes, and becomes subordinated to the civil law of the country.

*Strong, J.*—It refers to transactions carried on between merchants, and merchant means, although the word has been distorted from its original purpose in this country—it means, in England, a man dealing in gross.

*Mr. Church.*—That is quite evident from the dictum of their Lordships of the Privy Council, in speaking in the Citizen's case on the subject of trade and commerce. The moment an article has been admitted into the country by the Parliament of Canada, the moment that it passes out of the control of the person who so imported it, or who has manufactured it under the authority of law, the moment that it breaks bulk, as has been suggested by one of your Lordships, that moment it becomes subordinated to the civil law, is under the control of the Local Legislature, and the individuals who deal in it are subject to the police power of the State, either to permit it to be done or to refuse it to be done, to regulate it or to restrict it, in the manner I have described. It has been said that this Act is an Act intended to encourage temperance, and that it is an Act for the purpose of securing uniformity with the legislation regarding the restriction of the sale of liquors, or the regulating of the sale of liquors. As respects temperance, I cannot see in one sense that that is a ma-



er of Dominion concern. I know I am trenching on dangerous ground, the Scott Act, but it appears to me that temperance ought to be considered from the standpoint of our constitution.

*Ritchie, C. J.*—The Scott Act has not yet been by any tribunal yet sustained on the ground of temperance.

*Strong, J.*—It is put under the head of peace, order and good government by the Privy Council, in the judgments in the case of Russell and the Queen.

*Mr. Church.*—Instead of looking upon it in the concrete, as something affecting the people of the whole Dominion of Canada, it is a matter which should be looked at in the abstract, that is, as affecting the individual in his social relations to his family and to his neighbor, and looking at it in that sense, it is a matter surely of local concern, with which the Local Legislatures more particularly have to do. But going beyond that and taking up the question of uniformity, it appears to me there is nothing whatever in that, because the Act which my learned friend wishes to sustain takes the most elaborate means and provides the most effectual method by which uniformity shall be defeated, because it says that every five individuals who compose a Board of Commissioners "you shall take such restrictive regulations as we give you, but you may make as many others as you wish." I should like to know what possible chance there is of securing uniformity under such legislation as that. Then my learned friend goes on to say: "Oh, we have right to deal with this matter in the retail trade, because we have control over it in the wholesale condition, and we cannot effectually legislate with regard to the retail trade unless we incorporate it with the wholesale trade." It seems to me there is an obvious fallacy in this, because the whole must include all its parts, and if the Parliament of the Dominion of Canada wishes by total prohibition to repress this traffic, it has the absolute and undoubted power to do so. If the Dominion Government has a right to control the importation or manufacture in the country, they have the most effectual way of dealing with the trade. They have the means, constitutionally and within their power, of preventing dealing in liquor altogether. It has been suggested by one of the learned judges that it is a questionable power by the Dominion Government to deal with this substance in such a way as to cut the Local Parliament out of its revenue—the 9th sub-section. It appears to me there is a good deal in that objection, because it is evident to me that those who passed this Act never contemplated a time of general prohibition. They contemplated local prohibition, because they knew that that was under the municipal institutions of the country, but only in that sense, and thus it may be brought about, but when brought about in that way under municipal institutions, it would be a waiver of that right by the people in the locality of the constitutional authority which was theirs under this Act; because in consenting to local prohibition they did away with the right of raising a revenue from the sale of liquor. In that way prohibition could be brought about, but only in that way. It was evidently not contemplated by the Imperial Parliament, or by the people of the Provinces that entered into Confederation, the idea of general prohibition, and I cannot understand and I cannot consent to believe, from my reading of the Act, that it was ever contemplated that prohibition should go beyond this. In admitting that the power rests with the Dominion Parliament under the 2nd sub-section, they have the most effectual means of dealing with the retail trade—that is, by the exclusion of the article from the country, or prohibiting its manufacture. My learned friend also speaks of another power, which he regards as residuary power, or inherent power in the Dominion Parliament, to rest tranquilly on its oars until such time as it thinks proper to legislate on certain matters, and that the moment that legislation takes place the provincial legislation is put in abeyance and overshadowed by it. Now I think that is a proposition which is entirely untenable, and for the reasons which I stated before, in connection with the distribution of legislative power and the exclusive character of it. If there is any meaning at all to the word exclusive—if there is any real distribution of power—if the enumeration of these powers in sections 91 and 92 means anything it means that they are given to one, and when they are given to one they are not given to the other, and that they

are given to one to the exclusion of the other. How my learned friend can pretend that the Parliament of Canada has the right to legislate over matters exclusively within the legislative control of the Local Legislatures I cannot understand.

*Strong, J.*—I cannot understand how you can make that compromise, which you say was proposed to be made; I cannot understand how it can be good up to a certain extent, and afterwards abstracted by the legislation of the Dominion power. I cannot understand that, in the face of the express words of the statute that these powers are to be exclusive. Of course the great case in the United States is the celebrated bridge case. The instant the bridge interfered with navigation, then the trade and commerce rights of the Federal Legislature were brought into play, and it was held that they should go to the federal authorities for power; but it seems to me that that has no application whatever here, and it is in that way we are ourselves excluded from dealing with those American cases which are not applicable. That doctrine and that power may be exercised up to a certain extent; then it becomes bad, I cannot understand, because if there is a right to use it at all, it must be an exclusive right, and must have been so *ab initio*.

*Mr. Church.*—Another point which was taken by my learned friend is this: He says, in the course of his factum, that there is no inherent connection between the liquor traffic and municipal institutions. I do not feel disposed to differ as to words with my learned friend when he speaks of an inherent connection between the liquor traffic and municipal institutions not existing, but I submit if there be no inherent connection there is a constitutional connection here, which is of vast importance indeed; and that the connection is the connection which I have endeavored to point out, the connection which grew up prior to Confederation, which was guaranteed to the Provinces under Confederation, and which was made part of their rights in section 92, and that is the connection which is invoked by us, and not any inherent connection which, *ab extra*, would connect them.

*Henry, J.*—What connection can there be between one legislation which provides that a man cannot get liquor and one which provides that he can get it?

*Mr. Church.*—That I leave for my learned friend to answer. The last point which he makes is that matters of adulteration are beyond the control of the Local Legislature, and therefore any legislation in the old Act which might remain un repealed with regard to adulteration would be *ultra vires* of the local and *intra vires* of the Dominion. The term adulteration carries with us something deadly, as we understand it; but it may be mixing some innocuous substance as well as noxious substances, and if the Local Legislature should declare, for instance, that it is illegal to mix water with milk, I apprehend that is something within the power of the Local Legislature to pass.

*Strong, J.*—Or chicory with coffee.

*Mr. Church.*—I do not think we need go to a Parliament of such high importance and dignity as the Federal Parliament in order to get a right to deal with the war that is put in our milk, and I apprehend that there is nothing in the argument as to adulteration. There is legislation on the subject, called the Adulteration Act, and that Act is not before us for the consideration of the court. The matter is referred to in my learned friend's factum as an illustration of the want of power in the Local Legislatures to deal with one branch of the subject, and showing the power that is within the Dominion Parliament.

*Gwynne, J.*—How can we consider that Act, when it is only the validity of the Act that is before us?

*Mr. Church.*—I merely mention it because it is referred to in my learned friend's factum, and was the last of the various subjects which he dealt with in that connection.

Now, I have not gone into this subject, perhaps, as fully as the importance of it merited, but I thought it was entirely unnecessary to follow the learned counsel who preceded me in all the details of their admirable and exhaustive arguments, with the authorities which they submitted. I have pointed out, in the factum prepared by Mr. Archibald and myself, the authorities, and I shall have done my duty by now.



summarizing the conclusions at which I individually have arrived in connection with the case which is submitted to the court.

The first conclusion which I have come to is as follows: That the Dominion Parliament can prohibit the importation; second, that the Dominion Parliament can prohibit the manufacture in the country; thirdly, that the Dominion Parliament can exercise legislative control over the wholesale trade in liquor, so far as the 2nd sub-section of the 91st section of the British North America Act considers it an article of trade and commerce. Those are the affirmative propositions to which I come with regard to the matter.

That the Local Legislatures and the municipal organizations of the several Provinces have exclusive control of those who are to deal in it after it passes from the hands of those who have imported it or manufactured it, and consequently the exclusive right to license individuals to deal in it, the charging of a license fee for such permit, the prescribing of what qualifications they shall possess as individuals, or what local sanction they shall obtain.

That the right to prohibit in any particular municipal corporation the sale of intoxicating liquor by retail is, under existing valid legislation, within the exclusive control of the municipal councils and of the people comprising the municipal corporations, by virtue of the authority conferred on them by the legislation anterior to Confederation, or passed by the Local Legislatures since that period.

That *per contra* the Dominion Parliament has no authority to deal with the question of local prohibition, or to revoke or supplant provincial legislation on the subject.

That the legislation of the Liquor License Act, 1883, so far as the same deals with the sale of liquors on vessels when on waters under the control of the Dominion, and with the questions of fraud and bribery, are the only parts of these Acts respecting which any strong grounds can be urged as showing that they are within Dominion parliamentary control. And *a propos* of this subject of fraud and bribery, I would like to say this, that, in the first place, if the Dominion Parliament had no authority to legislate on the subject which is declared to be matter of fraud and bribery—if, in other words, they have no right to declare that an individual shall not do a particular thing, or bribe another to do a particular thing, then any legislation by them on the subject is of doubtful validity.

*Ritchie, C. J.*—If the Act goes, those offences must go.

*Mr. Church.*—I thought my learned friend would take the position that these offences being declared misdemeanors, and that misdemeanors being part of the criminal law, which is within the jurisdiction of the Dominion, therefore those portions of the Act must stand.

*Ritchie, C. J.*—Suppose they did stand, what effect would they have? There could be no such offence.

*Strong, J.*—The misdemeanors would be breaches of a law which was swept away as *ultra vires*.

*Henry, J.*—That would be cautioning people not to go over a bridge because it was down.

*Mr. Church.*—As we thought that not even the timber of the bridge should be left, we would like to dispose of it. I respectfully submit that in the distribution of legislative power under the British North America Act of 1867, it was not intended to make any distinctions as to the exercise of police power in regard to the liquor traffic upon the rivers of the Dominion as contra-distinguished from its regulation on land, nor to confer the power upon the Dominion Parliament to declare an act done in violation of an Act over which they had no legislative authority a misdemeanor.

These, as I said before, are the observations which I have felt called upon to make to the court, and I consider the Dominion License Act unconstitutional and *ultra vires*.

*Mr. Archibald.*—May it please your Lordships, it is not my intention to go at any length into any of the subjects which have been so exhaustively treated by the learned counsel who have preceded me. I am aware that perhaps nearly every

question that has any bearing upon this subject has been very thoroughly treated. I shall, therefore, confine the remarks which I am about to make to your Lordship to one or two points. The first point which I shall mention, and which perhaps it is necessary to mention, although it has been exhaustively treated before, is this: it is one which relates to the possibility of supposing that there exists some concurrent power of legislation, or at least some dormant power of legislation, in the Dominion with reference to matters which the Local Legislatures may possibly cover, provided the Dominion has not covered with that particular subject. That point, I perceive, is recited in the factum by the learned counsel representing the Dominion, and it is based by him upon a dictum which appears in the case of *L'Union St. Jacques v. Belisle*. In that case it is stated that without doubt the Dominion Parliament has authority over bankruptcy and insolvency; also that the arrangements which have been made by statute by the Local Legislature was partially of the character of an insolvent law, but the court will remember that in that case there was no question arising with regard to any persons engaged in trade. The scope of the bankruptcy and insolvency laws has constantly been confined in its operation to persons engaged in trade. The Act of the Legislature which was in question in case of *Belisle* did not refer to trade at all, but referred to a single individual out of trade, and was held by the Privy Council, in that case, to be a matter of entirely local concern; and a doubt was expressed that, supposing the Dominion Parliament had previously under the authority conveyed in the specified sub-section, "Bankruptcy and Insolvency," legislated in such a way as to cover a concern like *L'Union St. Jacques*, the doubt was expressed whether the Local Legislature could then have legislated as they did in that case. That is a mere doubt, which does not form part of the judgment, but is given in argument in that case. We are scarcely at liberty to assume the possibility of the existence of a dormant power of legislation in the Dominion which would override actual legislation by the Local Legislature, for this reason: The judges of the Privy Council have, in three or four cases, expressly laid down rules which would govern them in their judgments in the interpretation of this Act. The first was in the case of the *Citizen's Insurance Company and Parsons*, where they said they would first examine section 92, to discover whether the subject matter of the Act was found in any of the specific enumerations in that section; that they would subsequently examine the specific enumerations contained in section 91, and if they found the subject matter of the Act also contained in one of the specific enumerations not in the general residuary clause, but in any of the specific enumerations of section 91, they would consider the further question whether the local legislation was not overborne by the Dominion legislation; but it has never been suggested that in any case which comes under the general residuary legislation of the Dominion, that they can in any sense overbear a subject which comes under the specific enumeration contained in section 92. Just at this point it might be proper to notice that I think that perhaps on this very point the decision of Russell and the Queen proceeded. There it appears to me that the judges of the Privy Council appear to have unwittingly, perhaps, regarded the words "peace, order and good government," as contained in the opening words of section 91, as having the effect of a specific enumeration, as really referring to the laws relating to the police power within the State. It would almost seem, from the remarks made by their Lordships in that case, as if they gave these words the effect of specific enumeration, including police power of the State, because it was a law having relation to the criminal law, though not a criminal law. It appears almost as if that had been the ground of their Lordships' judgment in that case. I think a moment's consideration will show your Lordships that the words "peace, order and good government" have no such meaning. Every law, of whatsoever character, is a law for the peace, order and good government of the country.

*Strong, J.*—If that argument was to prevail, it would enable the Dominion Parliament, by generalizing a law and making it applicable to the whole Dominion, to nullify all the powers of the Provincial Legislatures. The President of the Privy Council puts that question—"Do you mean that by generalizing the powers contain



in section 92, the Dominion Parliament can take away the powers of the Local Legislatures?" Yet that is what they have done in Russell and the Queen.

*Mr. Irving.*—The subject is referred to by Sir James Hannen at page 702, of 2 Cartwright—where the argument is printed—"if the subject matter be purely provincial, could the Dominion Parliament take possession of it by making it criminal?"

*Mr. Archibald.*—That contention is no doubt well founded in consideration of the language or reasons given by their Lordships in that case, but I think it is not entirely applicable to the judgment itself which is given in the case. I presume we need not go to the *obiter dicta* of that case to govern us.

*Strong, J.*—We have a later case.

*Mr. Archibald.*—It being fully understood that the words "peace, order and good government" are not specific but a mere grant of residuary power, we come to consider what other grant or power is given in section 92, and there is not other grant or power given on which my learned friend relies, except that one relating to trade and commerce. Now, if I refer to the question of trade and commerce at all it is with a view to call your Lordships' attention to the position of affairs in the United States with regard to this particular matter. Their Lordships in the Privy Council in the case of Parsons defined trade and commerce. It is not necessary for me to give the definition; it has been given several times. Under the definition given by the Privy Council in the case of Parsons it would appear that the words "trade and commerce," as mentioned in section 91, are very nearly, if not entirely, equivalent to the same words occurring in the United States Constitution. It has been observed by your Lordships that in the United States the power to deal with trade and commerce is only to deal with foreign commerce and inter-state commerce, whereas here the Dominion Parliament have power to deal with commerce in the Provinces as well as with commerce between the Provinces and between the Provinces and foreign countries, but under the definition, as given in the Parsons case, the actual limit of that power would seem to be very similar to that given under the United States Constitution.

*Gwynne, J.*—That is to say, there is no greater power given under the British North America Act, than under the Constitution of the United States?

*Mr. Archibald.*—Yes, my Lord.

*Gwynne, J.*—In that case—

*Strong, J.*—In the United States Constitution it was expressly said that Congress should have power to legislate in the cases of commerce with foreign countries, commerce between the States and commerce with the Indian Nations.

*Mr. Archibald.*—It is not necessary, however, to our case that any decision of that sort should be reached; yet, as I observed a moment ago, the words used in the Parsons case—

*Strong, J.*—My proposition is that although trade and commerce is not restricted to foreign commerce, or commerce between the Provinces, as in the United States, it still something different from mere retail buying and selling; that is it is restricted to wholesale dealing and the word trade is a synonymous term. A British merchant could not call a man who kept a dram shop a merchant.

*Mr. Archibald.*—I think that the decision in Parsons and the Queen goes this length, that mere buying and selling, whether in larger or smaller quantities, is not what is meant by trade and commerce. I think the decision went to that extent.

*Strong, J.*—What you say is it did not mean the regulating of buying and selling at all, but the regulating of systems of trade, that is imposing duties and the encouragement of trade, such as offering bounties and that sort of thing.

*Mr. Archibald.*—Yes, my Lord, I think there is no question that is what it does refer to.

*Strong, J.*—The interpretation sought to be put upon it is, that a person who keeps a dram shop is a merchant.

*Mr. Archibald.*—That brings the American authorities into line with the authorities cited in this argument. I need only call the attention of the court to the fact

that in the United States there is no divergence of opinion on these subjects; that is to say, that the placing of restrictions necessary for the health or safety of individual citizens on buying and selling, whether it be liquor or any other article of trade, is a police regulation alone which does not in any way interfere with commerce. That is the extent to which the American authorities go, and they are unanimous. There is a large number of authorities cited in the factum which we have the honor to send up to the court. These authorities say that the impositions of restrictions of this nature do not interfere with trade and commerce in any sense, but are simply those restrictions which individuals in the State are obliged to submit to for the convenience and comfort of other individuals who have like rights to enjoy.

*Strong, J.*—In the exercise of police power?

*Mr. Archibald.*—Yes, my Lord, and with regard to this police power, I would say not only does it come within sub-section 8 of section 92, but more particularly and perhaps primarily it comes under sub-section 16, which refers to matters of a local nature, within the Province. And I presume it comes under section 8, municipal institutions, perhaps, because it comes under sub-section 16, because it is local because it is such a thing as municipalities may use, whether in the protection which they themselves throw round the inhabitants of a municipality, or for other local reasons. Now, with regard to that, I think the whole history of municipal institutions, and particularly restrictions which have been placed on the liquor traffic, not only in the Provinces which constitute the Dominion,—not only in the United States, but also at any rate, in every community in England, as well as here—shows that they have always been considered purely local in their operations; and with regard to that I would call the attention of the court.

*Strong, J.*—What is the usual denomination in this country of a man who carries on commerce of any kind?—a merchant. We give that denomination of merchant to a retail trader in this country, it is true, and therefore it may be argued that retail selling of ordinary goods is commerce; but did anyone ever hear of a tavern keeper or a man who keeps a saloon, or a place of refreshment, or restaurant, as it is called spoken of as a merchant, using the term in the graver sense in which it is used throughout this continent? Of course in England there is all the difference in the world between a shop-keeper and a merchant. The term shop-keeper is used to denote a retail trader, and merchant a wholesale trader.

*Mr. Archibald.*—The word trader, as referred to in the Insolvency Act, might refer to persons of that character. I was about to call your Lordships' attention to the fact that in England this matter has always been considered a matter of local import.

*Henry, J.*—Regulating the carriage of goods from a warehouse to a wharf would be more intimately connected with trade than the business of keeping an inn. I would have a great deal more to do with carrying on the trade—removing goods from one place to another—but I could hardly imagine that, under the general term "trade and commerce," and the regulation of those affairs, that those persons would have a right to be brought under the control of the Dominion Parliament.

*Mr. Archibald.*—If we go to the extent of holding that every act which the insolvency law would regard as trading would be trade and commerce, it would come to this, that there is not a single undertaking or contract which could be entered into between one man and another in any Province of the Dominion, which would not come under the designation of trade and commerce.

In the case of *Parsons* it was expressly held that whatever the words "trade and commerce" meant, they did not relate to any special contract between one man and another. Now, as I was referring your Lordships to the fact that this was local in its character, and had always been regarded as local, I would cite 9 George the 4th Imperial Statutes, chap. 61 and section 17. It is cited in the factum. That Statute shows two things: It shows that the regulation of this matter was then in the hands of justices of the peace in the various localities throughout the United Kingdom.

*Ritchie, C. J.*—So it was in the Provinces before municipal institutions were established.



*Mr. Irving.*—So it was in Ontario at an early day ; it was done by the Quarter Sessions.

*Strong, J.*—Up to 1841 it was in the hands of the Quarter Sessions, as it was called. When the municipal institutions was established it was transferred to an inspector of licenses, I think, or some such officer.

*Mr. Irving.*—When it was in the hands of justices of the peace there was an inspector.

*Strong, J.*—To say that this was under the Dominion Parliament would be to say that this British North America Act was brought about, not for the purpose of securing the autonomy of the Provinces, and more particularly the Province of Quebec, but was brought about for the purpose of taking away matters which had been matters of local cognizance up to that time and making them matters of general cognizance. The intention of the Act was the other way, so that the contention would be contrary to the intention of the framers of the Act.

*Ritchie, C. J.*—I do not think at the time of Confederation municipal institutions were established throughout the whole of New Brunswick. In fact, almost all the counties of the Province were in the hands of the Quarter Sessions.

*Mr. Archibald.*—It was the same in Nova Scotia. It was transferred from the Quarter Sessions to municipal councils wherever they were organized.

*Strong, J.*—What I allude to affords a strong presumption that it was not intended to centralize any power which was local before Confederation.

*Ritchie, C. J.*—Speaking of the uniformity of this Act with reference to hotel keepers and tavern keepers, and the propriety of uniformity throughout the Dominion, the history of Nova Scotia and New Brunswick shows that it is not desirable that there should be that uniformity ; because in the olden time the Quarter Sessions had the authority to grant free licenses in sparsely settled parts of the country with a view to inducing people to take out licenses to afford accommodation to travellers ; and in some cases not only a free license, but money was given. Take at that time one of the leading roads of the Province—the road which connects the city of St. John with the then town of Fredericton, the seat of Government of the country. A new short road was opened there, but it was not settled, and a man named Gillen was given thirty pounds a year by the Legislature and a free license, to hold a tavern on that road so that the judges, lawyers and legislators travelling up there might have accommodation as they went along this road. Otherwise they would have had to travel sixty or seventy miles and carry their refreshments with them. It shows that you cannot have uniformity. What was more perfectly and purely a matter of police regulation than that ? Fortunately, now we have a railroad between those two cities.

*Mr. Gregory.*—The tavern keeper called his house “ Government House ” in consequence.

*Mr. Archibald.*—I was just observing that the system contained in this Act, that is to say, the system which places under the Dominion the authority to regulate the traffic from a restrictive point of view, and the system which gives the Local Legislature the excise or revenue-raising power is a complete reversal of the history of this whole question, for we find that throughout the whole history of this question, in every English-speaking country, the position is entirely opposite, that is to say, the traffic itself is regulated by local authority, and as an excise or revenue-producing institution it has been frequently taken advantage of by the general Government. Now, this statute which I cited, 9 George IV, by one of the sections of that statute it is provided that the general Government may have the authority to levy an excise tax upon these very licenses which the local justices have granted for regulating purposes, but the general Government can only impose their excise or revenue tax upon persons who have previously obtained permissive licenses granted by the local authorities. Now, that is the position in which it stands in every country with which we have any connection. It is so in the United States, and that may, perhaps, to a certain extent, bear upon the question which was put by one of your Lordships yesterday, whether the Dominion

Government could impose a license for revenue purposes under sub-section 3 of section 91, which gives them power to raise revenue by any system of taxation whatever. Probably we are not interested in the solution of that question at this moment but we have precedents both in England and in the United States for the exercise of a licensing power for the purposes of revenue, although another authority controlled and completely controlled, the licensing power for the purposes of restriction or regulation. We have, under this statute which I have cited, that general power, given to the Government for revenue purposes, and we have, under the legislation which prevails in many States of the neighboring country, but not all, the right to levy internal taxes by the general Government, whereas the right to restrict rests entirely with the State Government. Now, under the United States authorities it has never been held that the licenses by the United States, granted for revenue purposes alone, authorized the licensees to sell. It does not authorize the licensee to sell. He may buy his license, if he chooses, and pay for it, but he must get his license from the State Government, which has the sole authority to grant a permissive or regulative license before he can sell.

*Ritchie, C. J.*—Because the internal regulations are given to the State and not to the general Government there. That may be the answer to that.

*Mr. Archibald.*—That will apply equally well to the position in which we stand.

*Ritchie, C. J.*—That is confined entirely to the State Legislature.

*Mr. Archibald.*—That is true, but the circumstances under which we stand are precisely similar.

*Ritchie, C. J.*—No; quite the reverse. The Local Legislature has nothing to do with trade and commerce, external or internal, in this country.

*Mr. Archibald.*—The point which I was raising here was that the fact of the Dominion Parliament having authority, if it has the authority—and it is not necessary either to admit or deny that it has the authority—to impose a license for the purpose of raising a revenue under that sub-section of section 91, which authorizes the Dominion Parliament to impose taxation for any purpose—that fact does not indicate that the Dominion Parliament has the right to grant a license of a restrictive or regulative character. It is simply a method of collecting revenue, and nothing else, and does not refer in any sense to the ordinary power of license, and that has been held in innumerable cases in the United States. So, from that consideration we cannot find any concurrent power of legislation in the Dominion Parliament.

Now, there is one point connected with sub-section 9 of section 92; that sub-section gives to the Local Legislature the power to grant licenses for shop, saloon, tavern, auctioneer and other purposes, in order to the raising of a revenue for provincial, local or municipal purposes. Now, that section has been held, in some quarters, to aim a deadly blow at the authority of the Local Legislature with regard to the liquor traffic. It has been suggested that the fact of sub-section 9 containing this enumeration ought to be considered as an exclusion of this same power as arising under sub-section 8, "municipal institutions." Now, I think that proposition is not well founded, for this reason: It is true that sub-section 9 contains a specific enumeration of this one thing, but that, I think, does not mean that although that enumeration occurs in that sub-section that it may not also be found under sub-section 8. There is no question but it does come under sub-section 8, and the fact that it is specifically mentioned in sub-section 9 ought not to be taken as a limitation of the rights conveyed by sub-section 8. This, also, for this reason—the right to license does not, as a general rule, include the right to charge a license fee more than sufficient to cover the cost of the license. The mere right to licenses includes only so much, but it required, in order that the license should be a revenue-producing institution, that the Parliament should add to the right to license the right to raise a revenue from that source.

*Ritchie, C. J.*—In the Province of New Brunswick they were not in the habit of raising a revenue for general purposes from licenses, but merely for local purposes.

*Mr. Archibald.*—Under the Imperial statute that I have referred to it is specially provided that no fees other than those necessary to cover the cost of the license shall



be imposed upon the licensee. That is the general rule, that the power to license does not convey the power to charge a license fee, and I think it is clear that the object of sub-section 9 was merely to add that power to impose a fee to the power to license which was conveyed under sub section 8, "municipal institution."

*Gwynne, J.*—To get rid of the implied negative conveyed in item 2?

*Mr. Archibald.*—Yes, my Lord. Now, it is assumed, in the factum presented on behalf of the Dominion, that the Dominion Parliament has the right to deal with the wholesale liquor trade, and that conclusion is arrived at very naively from the decisions in *Severn* and the *Queen and Taylor* and the *Queen*. Now, I think that assumption is entirely unfounded. These decisions did not go the length of holding that the Dominion Parliament had the right to control the wholesale liquor trade. They held only that the Dominion alone had the right to raise a revenue by the imposition of a license upon brewers. These cases held simply this, that the words "other licenses," mentioned in sub-section 9, referred only to other licenses of a like character to those specifically enumerated; and that brewers' licenses, for the manufacture of malt liquors, were not included under the words "other licenses," but it did not hold that the prohibited, or regulative, or restrictive power which was necessary to be used in connection with the wholesale trade, or in connection with any portion of any trade in any matter, fell into the hands of the Dominion Parliament. It occurs to me that the question is not whether they are going to buy \$5 worth or whether they are going to buy \$5,000 worth. It is not a question of buying and selling at all. It is a question of this necessary restriction in order to the preservation of the public health, morals or safety, which may be imposed as a police regulation on any subject or any matter whatsoever; so that the question as to whether it comes up under the retail trade or under the wholesale trade is of no importance whatever, provided the legislation which is imposed is of a nature which can properly be denominated police regulation. As I look at it, there is no distinction whatever between the wholesale trade and any other trade, or between the liquor trade and trade in any other special matter with respect to this matter, except that perhaps the liquor traffic offers more reasonable ground for police regulations than any other trades would, and perhaps the wholesale trade offers less ground for interference under the power of police regulation than the retail trade. But, as a question of principle, there is no distinction to be taken, that I can see, between the wholesale and retail trade. The question is not whether it is wholesale or retail; but the question is, whether this Act, which is now before us, is proper legislation, from the point of view of police regulations, and that alone. That is the way it presents itself to my mind, and I should be sorry if your Lordships should take it or granted that in the factum which we have prepared there was any admission that the regulation, from a restrictive or limitative point of view of the wholesale trade, did come under the Dominion Parliament. I think that is not the proper meaning of the language which is used. On page 22 of our factum we say:—

"That the Dominion Parliament can exercise legislative control over the whole trade in liquor, so far as the 2nd section of article 91 of the British North America Act of 1867 would regard it as a matter of 'trade and commerce.'"

Of course, if it is a matter of trade and commerce, that is an end of the matter; but, if it is a question of police regulation it does not matter whether it is wholesale or retail trade.

There is only one other point to which it is my intention to call the attention of your Lordships, and that is the statute in question. The Dominion License Act is passed because it is stated to be convenient and proper that uniformity of legislation upon this subject should prevail throughout the whole Dominion. Well, perhaps it may be proper, and perhaps it may be expedient that such uniformity should prevail, but I ask your Lordships to attend to the provisions of the statute itself, and you will perceive that so far from the statute enacting uniformity of legislation on this subject, it enacts the greatest possible diversity of legislation. It absolutely puts into the hands of the various municipal councils throughout the whole country the power to modify the statute, as may be thought advisable by them, and the result will be—

*Strong, J.*—It is creating, in fact, a new scheme of municipal institutions along side of the provincial system.

*Mr Archibald.*—Just so, my Lord. The fact will be, that so far from having uniformity of legislation there will not be two municipalities throughout the length and breadth of the Dominion that will have their legislation uniform. Some will say "We do not want licenses at all." Others will say: "We want twenty," and others again: "We want forty;" and others will say: "We want six houses in which these licenses are to be exercised," and they will require those houses to be built in a certain manner. The result will be that so far from producing uniformity it relegate the whole matter, within certain limits, back into the hands of the municipalities. So that from that very point of view, the production of uniformity, it entirely fails, and I would call your Lordships' attention to the fact that that is one of the grounds on which their Lordships of the Privy Council decide it on the constitutionality of the Scott Act—that wherever introduced it made the law uniform, that is to say, when the Scott Act is adopted, if it is in force in one county, it is precisely the same as in any other county. There is no diversity in its operation in the various parts of the country in which it has been adopted. It is true that some of the counties may not as early as others, adopt the Act, but when once adopted, it is uniform law throughout the whole Dominion; and they held that the fact of its resting with the counties put it in force or not was not of a character to prevent it being uniform.

I do not propose to occupy any more time of the court, except one point, and it is this: As to the effect of this Dominion Act on the local Acts which preceded it and which still are claimed to be in force. It seems to me that in the first place this Dominion Act goes upon an assumption entirely opposed to that which my learned friend who represents the Dominion tries to put it upon. In his factum my learned friend says that so long as the Dominion have not legislated, the local Governments might possibly legislate with effect, but when the Dominion legislated the authority of the local legislation was removed. Now, I would suggest to your Lordships this fact, that section 146 of the Act expressly takes the contrary ground. They say this, in effect: The Privy Council, in the case of Russell and the Queen, has decided that this legislation belonged to the Dominion Parliament; therefore it has happened that the local legislation which has been in existence from the time of Confederation until now has been illegal, ineffectual legislation; and what do they do? They absolutely confirm and ratify the legislation of the Provinces which was in existence up to that time. They say: Your legislation was bad; it had no effect and no force, but we will put it into force by means of the ratification which we give it now in this Statute.

*Ritchie, C. J.*—Is it more than ratification *in futuro*?

*Mr. Archibald.*—I think it conveys more than that; it conveys the meaning clearly that the legislation, without Dominion sanction, was invalid, and that they make it valid. They say: "These laws are hereby made as valid and effective, to all intents and purposes as if enacted by the Parliament of Canada." That is to say they were not before, but they are by this Act made valid and effective.

*Strong, J.*—Up to a certain time.

*Mr. Archibald.*—Yes, up to a certain time; but the argument I take is this: It proceeds on the assumption that without Dominion authority they are null and void.

*Ritchie, C. J.*—No; they say until the 1st day of May, after the passage of the Act they should have full force and effect as if passed by the Parliament. That does not say that they were invalid before. They are valid until interfered with by Dominion legislation.

*Strong, J.*—I do not see the bearing of this, except that it shows the opinion of the Dominion Government entertained as to the validity of their own Act. All it shows is that they thought, at the most, that the Provincial Parliament had no powers to make these laws, and of course that is involved in the passing of this Act itself, in which they assumed the right of legislating on this subject. It is a matter of constitutional authority what the Legislature has done. It is so considered in the United States. It has less authority than a judicial decision.



*Mr. Archibald.*—I would suggest this: That if this Act had proceeded on the assumption that the provincial Acts were valid up to the date of the passage of this Act, they would have used the words "they shall remain in force until the 1st of May following this Act;" whereas they used the other words. They say: "They are hereby made valid and effective, as if they had been passed by the Dominion Parliament." It seems to me that the language there used cannot convey any other impression than that the assumption of the Dominion Parliament was this—that they, not having legislated on the subject, there was no valid legislation upon it, and that in order to provide for licenses then unexpired, and which would have expired on the 1st of May, and to prevent confusion, they made them valid by ratification and adopted the provincial legislation until the expiration of the then pending licenses. So that it occurs to me that with regard to that point there can be no question. Either the laws of the Provinces always were valid, and are valid now, or they never were valid at all, under which supposition alone the Dominion Act could prevail.

I think the conclusions which have been arrived at, and which have been stated pretty much at length in the factum which we have had the honor to present to your Lordships, fully convey the argument which I have endeavored to put forward on behalf of the Province of Quebec.

*Mr. Gregory.*—I have the honor of appearing on behalf, as well of the Province of Nova Scotia as of the Province of New Brunswick. After such exhaustive and able arguments as have been presented to this court by the gentlemen who have preceded me, but little will be expected of me, I presume, in the general treatment of this subject. It will be my duty, more particularly, to point out to this court the particular statutes of municipal institutions in regard to the sale of liquor in the two Provinces which I have the honor of representing, and as I am more familiar with the New Brunswick statutes than I am with those of Nova Scotia, and only last night received a despatch authorizing me to speak for Nova Scotia, I will first refer to the statutes that were in existence at the time of Confederation relating to this subject, and which were therefore a part, as I take it, of the municipal institutions of at least one of the contracting Provinces in the formation of this Confederation.

It has been very well observed by the gentlemen who have addressed the court, that this Confederation was a matter of compact, and the history of it is a proper matter of consideration by the court in determining and interpreting the provisions of the statute.

Now, in New Brunswick the regulation of the liquor traffic was, both wholesale and retail, a part and parcel of the municipal institutions, and I take it that if I produce the statute which establishes that fact, I may, with confidence, claim from this court that whoever the gentlemen were who represented the Province of New Brunswick, in consenting to the compact of Confederation, and in consenting to the use of the expression "municipal institutions" as saving and preserving to them the right they had enjoyed before—that if I satisfactorily establish that the wholesale as well as the retail liquor traffic was one of the municipal institutions of New Brunswick, it may be taken that those gentlemen supposed and believed that that institution was saved to the Province by this general expression.

The Act regulating the sale of liquors is to be found in the 2nd Revised Statutes of the Province of New Brunswick—that would be the revision of 1854, not the one now in common use, called the Consolidated Statutes, but the 2nd Revised Statutes, page 63, which was passed on the 1st of May, 1854. I might say that prior to this date, for a great length of time, the sale, both wholesale and retail, of spirituous liquors, had been regulated in a similar manner, but there was a prohibitory Act passed, which was in force but for a short time, and this is the first statute passed after that prohibitory Act. It is the statute which repealed absolute prohibition in the Province of New Brunswick and established the regulation of the sale of liquor under license. The sections which I refer to more particularly as covering the very points which are covered by the Ontario Liquor License Act are 2, 3, 4, 6, 7, 11, 12, 14, 15, 16, 21 and 29. This Act expired by the 3rd section, on the 1st May, 1860, but was continued by the statute 23rd Vic., chap. 44, which, again, expired in 1865, and was again continued by the 28th Vic., chap. 2.

*Gwynne, J.*—And that remained in force?

*Mr. Gregory.*—That remained in force and was in force at the time of Confederation. Now section 2 of this statute provides as follows:—

“No person shall, directly or indirectly, sell or barter any liquors without license, &c.”

And section 8 again refers to the fact that wholesale and tavern licenses are authorized by the Court of Sessions. By the statute relating to municipalities optional power was given to the several counties to adopt a municipal system of incorporation, which is to be found in the 1st Revised Statutes, page 102.

*Gwynne, J.*—That is established since Confederation, is it not?

*Mr. Gregory.*—No; before. This is the revision which took place in 1854. I am not able to say when it was first enacted. At page 102 it says:

“When at least fifty resident freeholders and householders, ratepayers of any county, petition the sheriff to call a public meeting at the court house, to determine upon the propriety of incorporating the county, he shall forthwith give three months notice of the day and hour of holding the same, &c.”

The sheriff had power to summon and proceed with elections for the adoption of municipal institutions, and under this Act several of the counties were incorporated. The section to which I referred, 29 of the Liquor License Act, which I mentioned a moment ago, you will perceive gave to counties incorporated, and all municipal authorities, power to regulate the liquor traffic instead of the Quarter Sessions, and one of the powers given distinctly in other words to all the municipal councils is to be found on page 107, section 10, with the number of sub-sections, vol. 1. Since the passing of this Act, and before the consolidation of the statutes, a general system of municipal organizations was established by operation of law. Therefore this provision does not appear; but the provision giving the municipal authorities power to license does appear.

The same state of affairs existed in the Province of Nova Scotia. I have not the third series of revision, which I have made search for but I cannot find, but I am informed that the provisions in the latest revisions of the statutes of Nova Scotia are precisely the same; and in the second revision which is found in the Library here we have the very same authority given to the counties of Nova Scotia to adopt voluntary municipal institutions and also to regulate the sale of liquor, but with this difference, that I observe there is no reference made there to the wholesale trade.

*Strong, J.*—This is Nova Scotia you are speaking of now?

*Mr. Gregory.*—Yes, my Lord, but with this difference: I observe there is no reference made there to the wholesale trade.

*Strong, J.*—What was the system in Nova Scotia at the time of Confederation? The Quarter Sessions granted the licenses, did they?

*Mr. Gregory.*—No; the Quarter Sessions, except where the counties had adopted voluntary municipal institution.

*Henry, J.*—At the time of Confederation there were no municipal counties in the Province of Nova Scotia. There were only one or two cities incorporated. One or two had adopted municipal institutions, but had abandoned them. They were allowed to adopt them or not. They adopted them in Yarmouth, but gave them up.

*Strong, J.*—So we may assume that after Confederation this power of granting licenses was exercised by the Quarter Sessions in Nova Scotia?

*Mr. Gregory.*—Except in Halifax and Yarmouth, where they were incorporated.

*Mr. Bethune.*—There is an exception in one of the sections made of the municipality of Yarmouth.

*Henry, J.*—That was previous to Confederation?

*Mr. Bethune.*—That was in 1859.

*Henry, J.*—Previous to Confederation they had given up their incorporation and gone back to the Sessions. Yarmouth was not then a corporation, I think.

*Mr. Gregory.*—I do not think it changes the effect of it, because the statute still remained, authorizing them to adopt the incorporated form at any time they thought proper, and then the same existing legislation gave them a transfer of this power



whenever they did so. I submit it would be a matter of no material consequence in the argument whether they possess this power or not.

*Strong, J.*—It is desirable to know with exactitude where the power was. Otherwise, if we made a mistake in our decision we should be reminded of it. Not that it makes the slightest difference, but we wish to know exactly how it was. It does not make the slightest difference in principle.

*Mr. Gregory.*—In Nova Scotia, however, there was no reference to the wholesale trade, and I believe, from what I have gathered here in this argument, that there has been no reference to the wholesale trade in the Provinces of Ontario and Quebec.

*Henry, J.*—There is no regulation of the wholesale trade in Nova Scotia at all, and no person was obliged to take out a license for the sale of spirituous liquors in any quantity over ten gallons. For quantities under ten gallons he was obliged to take a license.

*Mr. Gregory.*—Another peculiarity in the New Brunswick Acts which distinguished their municipal institutions in this regard from the others was that there was no power of prohibition. In the Ontario or Quebec or Nova Scotia Acts the municipal authorities had the power to prohibit the sale, but there was no such power to be found in New Brunswick; and I submit, with all due deference, that the case of *The Queen against the Justices of King's*, largely, I think, must have been influenced by that fact; because it was claimed in that case by Mr. Thompson, who presented the case to the court, that in the Act of Assembly, 36 Vic., chap. 10, under which that case arose, if interpreted as he claimed it should be interpreted, there was not any prohibition in that statute; but it was the justices of King's County who chose to interpret that statute as giving them the power to arbitrarily withhold licenses. Now, the first provision for prohibition in the Province of New Brunswick was made after Confederation. Now, the first Act relating to prohibition in the Province of New Brunswick was the Act 34 Vic., chap. 6, which gave the municipal authorities power, upon being presented with the petition signed by so many of the voters within their district, to refuse licenses altogether. That was followed by 36 Vic., chap. 10, and under that statute the case of *The Queen vs. the Justices of King's* arose. I have forgotten the name at this moment, but some gentleman presented an application, against which nothing could be urged, to the Justices of Kings, claiming a license. They refused to grant him a license. He then applied to the court for a mandamus to compel them. The contention before the court was, by Mr. Thompson, who presented the case, that this Act, 36 Vic., chap. 10, does not authorize these gentlemen to withhold a license arbitrarily. He says: "According to my contention, as I interpret the Act, there is not any question of *ultra vires*; but if, as it has been interpreted by the justices, they have a right, arbitrarily, to refuse a license, then it is permissible prohibition, and in that respect is *ultra vires*." The court, upon that, delivered the judgment granting the mandamus, which might be taken to hold either one way or the other—either that there was no discretion in the magistrates, and therefore no prohibition, or that the Act was *ultra vires*, because the language in which the court gave their judgment was to this effect, that if the Act prohibited, then the Act was *ultra vires*.

*Ritchie, C. J.*—A clear expression of opinion, I think.

*Mr. Gregory.*—Yes, my Lord, upon that point. The next case which came before this court was the City of Fredericton vs. The Queen. That case was for the purpose of testing and determining the Scott Act. The City of Fredericton never was carried to the Privy Council. *Russell vs. The Queen* never was before this court. *Russell vs. The Queen* was instituted, as I understand, and as is to be discovered by the proceedings in the case as reported, for the purpose of indirectly appealing to the Privy Council, and it was prosecuted with a view of obtaining an overruling decision against the City of Fredericton.

*Ritchie, C. J.*—It was so treated by the Privy Council.

*Mr. Gregory.*—It should be remembered, I think, that it was argued by gentlemen from New Brunswick. The case of *Slavin and Orillia* was not presented by this court at all for consideration, but it was argued purely from a New Brunswick

standpoint. Whether or not the City of Fredericton had power to prohibit or not to prohibit, was only to be referred to such legislation as was found in New Brunswick and possibly, I submit, if the statutes of Quebec and Ontario, which clearly permitted prohibition by the municipal authorities, had been referred to before the court, the result might have been different; although I do not, upon further consideration, and especially after hearing what his Lordship the Chief Justice has said—that the more time passes the more convinced he is—that that case was correctly decided.

*Ritchie, C. J.*—It went to the Privy Council and there were learned judges on this bench who were entirely familiar with the laws of Ontario as well as with the laws of Nova Scotia, and the Privy Council must have had all the matter before them.

*Mr. Gregory*—Yes, my Lord; but in that case your Lordships will remember that although your Lordships sustained that Scott Act, yet there was some division in the court. His Lordship Justice Henry dissented from one point of view, and his Lordship Justice Gwynne sustained the Act, but on entirely different grounds from those on which their Lordships the Chief Justice and Justice Fournier sustained it.

*Gwynne, J.*—One of the grounds on which I proceeded was the ground on which the Privy Council proceeded. I went on both grounds.

*Mr. Gregory*—I understood that your Lordship's judgment rather proceeded upon the overriding power.

*Ritchie, C. J.*—Brother Henry's decision stood entirely upon the state of the municipal law relating to the granting of licenses, and he was quite familiar with the law of Nova Scotia.

*Mr. Gregory*—Your Lordship's judgment, and that of his Lordship Justice Fournier, was on the broad ground of interference with trade and commerce. His Lordship Justice Strong did not take any part in that case at all. His Lordship Justice Henry, as I understand the judgment, dissented from it upon the ground, not that it was covered by municipal institutions, but on the ground of the exclusive nature of the two powers which were given to the respective Legislatures, and on the ground that it was covered by class No. 9 of section 92. His Lordship Justice Gwynne, as I understand his judgment, proceeded upon the ground that there was an overriding power within the Parliament of Canada, which, being put in exercise, overbore the legislation of the Provinces.

*Gwynne, J.*—If my judgment professes to go upon that ground, as published, it is not any that I delivered. My judgment proceeded wholly on this ground, the irrespective of the term "trade and commerce," on which the Chief Justice proceeded, I considered there was nothing in section 92 which authorized the Local Legislatures to pass the Act, and that that was conclusive; but that even the question of being within section 91, "trade and commerce," may be conclusive with the Dominion alone.

*Mr. Gregory*—When the case which was intended as an appeal from that came before the Privy Council—Russell and the Queen—their Lordships there sustained the Act, but they sustained it upon a different ground from that on which his Lordship the Chief Justice sustained it, although, as they say, they do not wish to be understood as expressing any dissent. They do not either wish to be understood as expressing any assent. They do not treat the question at all upon that footing. They treat it, as has been stated by his Lordship Justice Strong, upon the ground of the peace, order and good government of Canada.

*Gwynne, J.*—They go on the ground that there is nothing in section 92 which authorizes the Provinces to pass it.

*Mr. Gregory*—They do also, however, refer—

*Strong, J.*—They put it on what Mr. Archibald very aptly calls the general residuary power of the Dominion.

*Gwynne, J.*—It is expressly given to the Dominion by the very first section. When you find that it is not in any of the powers belonging to the Province it is given to the Dominion.



*Strong, J.*—The general residuary power given by the first sub-section of section 91.

*Mr. Gregory.*—They distinctly state, in the case of Hodge and the Queen, afterwards, in what I may call, in a measure, a sort of apologetic judgment—if I may use the expression—for their judgment in Russell and the Queen—they state distinctly that that they decided Russell and the Queen upon the contention that was made before them, that is to say, as to whether it fell within class 9 of section 92. They say no, without hesitation. Secondly, whether it fell within class 13, namely, property and civil rights, and they answer that in this way: “Rather than this being a question of property and civil rights, it seems to us to partake of the nature of criminal law.”

*Strong, J.*—We have full notes of the argument here, and the Council never once claimed in that case that it came within sub-section 8, “municipal institutions,” under which the Privy Council placed the power in the Hodge case.

*Mr. Gregory.*—As I read their explanation of Russell and the Queen, in their judgment in Hodge and the Queen, I understand them distinctly to point out the contention that was before them, namely, 9, 13 and 16. As I understand their judgment in Hodge and the Queen, they distinctly point out that section 8, which is now raised in Hodge and the Queen, was not before us, or was not pressed on our notice at all, “and we decided,” say their Lordships, “on class 9.”

*Ritchie, C. J.*—They do not say that in their judgment at all, but on the contrary they re-affirm all the reasons they gave in Russell and the Queen.

*Strong, J.*—As I understand, they attributed the legislation of the Scott Act to that general residuary power of legislation expressly reserved to the Dominion Parliament, being a power not conferred by any of the enumerations in section 92 on the Local Legislatures. I can understand, if they put it on the grounds of trade and commerce, as being compatible with the Hodge case, but when they put it on the other ground I cannot understand it. I cannot see why sub-section 8 of section 92, comprising municipal institutions, should not comprise prohibition as well.

*Mr. Gregory.*—They do say, at the close of their judgment, that this subject matter does not come within any of the classes of section 92.

*Henry, J.*—That is with regard to Russell and the Queen?

*Mr. Gregory.*—Yes, my Lord, they do say that this subject matter does not come within any of the classes of section 92, but the only classes which were pressed upon their notice were 9, 13 and 16, and they emphasize that fact in their judgment in Hodge and the Queen.

*Strong, J.*—One of the judges in this court expressly put in that section, and I think they might have condescended to notice it.

*Mr. Gregory.*—Mr. Benjamin also referred to it.

*Strong, J.*—No; he does not refer to it.

*Mr. Gregory.*—While he does not mention the class—

*Strong, J.*—He talks generally about police powers. Mr. Benjamin came in and spoke for about twenty minutes or half an hour at the end, after the junior counsel. I came to the same conclusion that you wish to come to—that is, that the point was not touched upon at all in Russell and the Queen.

*Mr. Gregory.*—From my point of view, I do not see such an absolute irreconcilability of the two cases of Hodge and the Queen and Russell and the Queen. I may be, and doubtless am, mistaken about it. The only way I can reconcile them is, first—

*Strong, J.*—I see good logical grounds for resting the decision upon the trade and commerce clause.

*Mr. Gregory.*—I think it would not be presumption on my part to say that to me this case seems reconcilable, when their Lordships of the Privy Council themselves claim they are reconcilable; and in endeavoring to reconcile them I have looked to see how they have done so, and I have found, or think I have found, that they reconcile them by calling attention to the fact that the matter was not presented to them in view of class No. 8, but simply in view of sub-sections 9, 13 and 16. They put it

that way. Now, I confess that I cannot see how they could say that, looking at the judgments that were sent up to them from this court, and looking also at part of the argument of Mr. Benjamin—although it does not speak of clause 8—he does not, as the case is reported in the Law Reports, but as the case is reported in the *Law Times* he does incidentally refer to municipal institutions, and without naming it, to the powers enjoyed by the municipalities in New Brunswick to regulate the sale of liquor—now, as I say, I confess that with those things I can scarcely see how their Lordships of the Privy Council came to the conclusion, or overlooked that particular clause; but in Hodge and the Queen they do distinctly say that their judgment in Russell and the Queen was intended to proceed upon classes Nos. 9, 13 and 16.

*Ritchie, C. J.*—But with a full knowledge then and there of class 8, municipal institutions. They say they adhere to the decision, as a correct decision, that they came to in Russell and the Queen. They had the municipal institutions clause clearly before them when they made that observation.

*Mr. Gregory.*—That is true, but perhaps it would be too much to expect of their Lordships to say, as we would like to have them said, that had this been presented they would or would not have taken a certain course, or what they would or would not have done.

*Ritchie, C. J.*—They could not have said what they say now, with honesty, they had noticed the municipal institutions clause; they would have altered their decision, because they say: "With a knowledge of the municipal question, we are still of opinion that not only was the conclusion that we arrived at correct, but the reason on which that conclusion is founded are justifiable."

*Mr. Gregory.*—Another point of view which seems to me to make it reasonable—

*Ritchie, C. J.*—If a judge of our courts had made a mistake he would have corrected it. The Privy Council have corrected other mistakes that they have made.

*Mr. Gregory.*—I understand His Lordship Justice Strong to say that had the upholding of the Scott Act by the Privy Council been put upon trade and commerce then he could understand Hodge and the Queen; but I do not understand His Lordship clearly whether or no—

*Strong, J.*—What I say is this: If Russell and the Queen is to be placed on the ground on which they place it, that case and Hodge and the Queen seem to me to be contradictory decisions. I say that advisedly, and it may go upon the record and be sent to the Privy Council, for all I care.

*Mr. Gregory.*—In that case of Hodge and the Queen their Lordships did not intend to overrule their decision in Russell and the Queen. To my mind, these cases are reconcilable, because of the principle of prohibition. As I understood some of your lordships (and it is to be found in some of the judgments), prohibition is to be deemed part of regulation; or, as some of your lordships put it, regulation includes prohibition; and it would be, therefore, because prohibition was part of the regulating that the direct conflict would be so apparent to his, the mind of His Lordship Justice Strong I apprehend; but, to my mind, where prohibition, from our point of view, was not within the municipal power, then that case of Hodge and the Queen and the case of Russell and the Queen become reconcilable; because prohibition is involved in the Scott Act, and prohibition was not involved in our municipal institutions.

*Gwynne, J.*—In other words, the Privy Council thought that the regulating in that particular manner in which the sale of liquor shall take place is quite consistent with that power existing without the power of prohibiting the sale at all.

*Mr. Gregory.*—Yes, my Lord; that is what seems, to my mind, from a New Brunswick standpoint, to be a solution and reconciliation of the decisions in the two cases.

The court adjourned until 11 a.m. to-morrow.

THURSDAY, 25th September, 1884.

*Mr. Gregory.*—My Lords, at the adjournment last evening I was attempting rather unsuccessfully, I will admit, to reconcile the two cases of Hodge and the Queen



and Russell and the Queen; but I will dismiss that matter with what I have already said, with this single observation, that if Russell and the Queen is to stand alongside of Hodge and the Queen, the conclusion, in my judgment, is that prohibition is such a regulation of trade as brings it within class 2 of section 91, giving Parliament power to regulate trade and commerce; and other and lesser regulations, such as we have in the Act before us, are in the nature of municipal and police regulations. I will make one or two references in addition to the authorities that have been cited by my learned friends, as to the exclusiveness and independence of the respective powers of Parliament and the Legislatures. And especially will I refer to the judgment of his Lordship Chief Justice Ritchie, then Chief Justice of the Supreme Court of New Brunswick, in *Regina against Chandler*. The passage to which I refer is in 2nd Cartwright's Cases, at page 426. His Lordship says there:—

"It is difficult to conceive how the Imperial Parliament, in the distribution of legislative power, could have more clearly or more strongly secured, to the respective legislative bodies, the legislative jurisdiction they were respectively exclusively to exercise."

Then, in the 7th Appeal Cases, *Citizen's Insurance Company vs. Parsons*, at page 109, it is said:—

"It could not have been the intention that a conflict should exist; and, in order to prevent such a result the two sections must be read together, and the language of one interpreted, and, where necessary, modified by that of the other. In this way it may, in most cases, be found possible to arrive at a reasonable and practical construction of the language of the sections, so as to reconcile the respective powers they contain and give effect to all of them. In performing this difficult duty it will be a wise course for those on whom it is thrown to decide each case which arises as best they can, without entering more largely upon an interpretation of the statute than is necessary for the decision of the particular question in hand."

Then I will refer to a section of a statute which has not yet been brought under your Lordships' notice, which, to my mind, also shows how distinctly that part of the British North America Act intended that these powers should be exclusive, and were continued:—

"Except as otherwise provided by this Act, all laws in force in Canada, Nova Scotia or New Brunswick, at the Union, and all courts of civil and criminal jurisdiction, and all legal commissions, powers and authorities, and all offices, judicial, administrative and ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick, respectively, as if the Union had not been made; subject, nevertheless (except with respect to such as are enacted by or exists under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland), to be repealed, abolished or altered by the Parliament of Canada, or by the Legislature of the respective Provinces, according to the authority of the Parliament or of that Legislature under this Act."

I admit that that alone would not be very conclusive; still it seems to me to show that the idea of separate and exclusive powers is continued throughout the Act, even to the end. Now, as an additional authority that the subject matter of this Act is a matter of police, I would cite *Keefe vs. McLeilan*, 2 Russell and Chesley, page 10, of Nova Scotia Reports, and in 2 Cartwright, page 400. Now, there are some passages of the *Citizen's Insurance Company* which has not been read, and which seem to me, being misquoted in *Russell and the Queen*, may have helped to strengthen any title disposition that might exist to consider the powers of Parliament overriding those of the Local Legislatures. At page 108 of 7th Appeal Cases, I find the following:—

"Notwithstanding this endeavor to give pre-eminence to the Dominion Parliament in cases of a conflict of powers, it is obvious that in some cases where this apparent conflict exists, the Legislature could not have intended that the powers exclusively assigned to the Provincial Legislature should be absorbed in those given to the Dominion Parliament."

Then, taking some illustrations which might be multiplied to an unlimited extent, it continues:—

“With regard to certain classes of subjects, therefore, generally described in section 91, legislative power may reside as to some matters falling within the general description of these subjects in the Legislatures of the Provinces. In these cases it is the duty of the courts, however difficult it may be, to ascertain in what degree and to what extent, authority to deal with matters falling within these classes of subjects exists in each Legislature, and to define in the particular cases before them the limits of their respective powers. The first question to be decided is, whether the Act impeached in the present appeal falls within any of the classes of subjects enumerated in section 92, and assigned exclusively to the Legislatures of the Provinces; for if it does not, it can be of no validity, and no other question would then arise. It is only when an Act of the Provincial Legislature *prima facie* falls within one of these classes of subjects that the further questions arise, viz., whether, notwithstanding this is so, the subject of the Act does not also fall within one of the enumerated classes of subjects in section 91, and whether the power of the Provincial Legislature is or is not thereby overborne.”

Now, when that passage is referred to in Russell and the Queen at page 806 of the same volume, it is a little differently put, and I think this passage, as I said before, may have helped to strengthen the inclination to view the one as having an overriding power over the other. After first enquiring if it falls under section 92, it continues: “If it does, then the further question would arise, viz.: whether the subject of the Act does not also fall within one of these enumerated classes of subjects in section 91, and so does not still belong to the Dominion Parliament.”

Now that is the way it is stated there, as though after finding the subject fell under 92, and then turning to section 91 you found that it fell in section 91, that took it out of section 92, and that is the view your Lordship (Justice Gwynn) has taken in your judgment of the City of Fredericton. It is referring to the Citizen's Insurance Co., and you will observe the same thing is not brought forward, but on the contrary in the Citizen's our attention is distinctly called to the fact that we have to make an enquiry, whether when you find it is superficially within one of these—whether or no it is not, whereas in the case of Russell and the Queen, it is apparently dealt with as though the question were at once decided, and if we find it in section 91, it would end the matter. Instead of laying down a canon of construction, your Lordship put it this way, the powers of the Local Legislature are only such as are to be found in section 92 and outside of section 91—that is the language which your Lordship used and which is scarcely supported by the passage I have quoted.

Gwynne, J.—That is what was said in Russell and the Queen.

Strong, J.—You are not claiming the Local Legislatures have any greater power than section 92 gives them?

Mr. Gregory.—No, but I am claiming that whenever a subject of legislation is presented to the court, that the court has to examine which of these sections it falls within. There is a statutory declaration that they do not fall within each other.

Henry, J.—They are called upon, as I understand you to draw the line, however the Parliament could interfere with a positive enactment giving to the Local Legislatures the power over that subject.

Mr. Gregory.—I will scarcely say that.

Strong, J.—Where the constitutionality of an Act is impeached, I suppose the first thing to do is to look at section 91 and see if that section confers the power, and if you find *prima facie* that it does, then look at section 92 and see if that power which is conferred *prima facie* by section 91 on the Dominion is modified or taken away by section 92.

Gwynne, J.—The only way you can tell whether it is in section 91 or not is by looking at section 92, because if it is not in section 92 it is in the other section, unless specially enumerated.

Mr. Gregory.—Superficially it may appear to be within either.



*Henry, J.*—You are first to look at section 91 to see the general power given to Parliament, with the exception of those which are referred to the Local Legislatures. Then you have to go to the other section to see what subjects are reserved to the Local Legislatures. Look at section 92, and if it is there and uncontrolled by anything in the enumerated cases of section 91, that brings it within the power of the Local Legislatures.

*Strong, J.*—That is the very threshold of the case.

*Mr. Gregory.*—That is true, my Lord, but we desire first to have established the rule on which we shall act before we can make the application.

*Strong, J.*—Your proposition is that this power is contained in sub-section 8 of section 92?

*Mr. Gregory.*—But we are obliged to concede, because it has been pressed so often and so earnestly, and I may say judicially also, that upon a superficial examination of the subject, it might also be construed to come within section 91. Then, we say, what is to be done in such a dilemma as that? I am simply referring to this passage to show that the duty of the court is two things, first not to define more than it is asked to define, and secondly to remember that these subjects must severally be controlled so that that portion of the statute which says they are outside of each other, which is only another way of saying that they are to be so elaborately construed that they shall be clear of each other, or if they touch each other that the contact shall be reduced to a single point, as it were, so that when you leave one you will at once pass into the sphere of the other. In proceeding with this case—"the main contention on the part of the respondent was that the Ontario Act in question had relation to matters coming within the class of subjects described in No. 13 of section 92, viz: 'property and civil right in the Province.' The Act deals with policies of insurance entered into or in force in the Province of Ontario of insuring property situate therein against fire, and prescribes certain conditions which are to form part of such contracts. These contracts, and the rights arising from them, it was argued, came legitimately within the class of subject 'property and civil rights.' The appellants on the other hand contended that civil rights meant only such rights as flowed from the law, and gave as an instance the status of persons. Their Lordships cannot think that the latter construction is the correct one. They find no sufficient reason in the language itself, nor in the other parts of the Act, for giving so narrow an interpretation to the words 'civil rights.' The words are sufficiently large to embrace in their fair and ordinary meaning, rights arising from contract, and such rights are not included in express terms in any of the enumerated class of subjects in section 91. It becomes obvious, as soon as an attempt is made to construe the general terms in which the classes of subjects in sections 91 and 92 are described that both sections and the other parts of the Act must be looked at to ascertain whether language of a general nature must not by necessary implication or reasonable intendment be modified and limited."

*Gwynne, J.*—That is the Citizen's case you are reading from?

*Mr. Gregory.*—Yes, my Lord.

*Gwynne, J.*—They came to the conclusion that it was not included in section 91. They lay it down in Russell and the Queen.

*Henry, J.*—And the principle for construction that is laid down there appears to me to be in direct opposition to that laid down in Russell and the Queen.

*Mr. Gregory.*—I cannot see that, but I have no doubt it is my own obtuseness.

*Strong, J.*—I adhere to what I have said. I tried to reconcile Hodge and the Queen and Russell and the Queen, but could not succeed. Perhaps Mr. Bethune may say something to change my opinion, but so far I have failed to reconcile them.

*Mr. Gregory.*—In the factum presented by my learned friend it is said at page 3, at the single point presented in Hodge vs. the Queen was whether or not the License Commissioners had power, under the provincial laws in question in that case, to make a regulation or by-law to the effect that no billiard table should be kept in a licensed hotel. The question arose on a fine imposed for a tavern keeper allowing a game of billiards to be played in his house. I wish to confine myself to the

view which my learned friends on the other side put forward. They say that there was only one point presented to the court, and that that point was whether or not the License Commissioners had power, under the provincial laws in question, in the case, to make a regulation to the effect that no billiard table should be kept in a licensed hotel. Now, while that is not exactly the point, yet it is near enough for the purpose of arguing the question which it raised and which raised the litigation. At page 123 of the case it is distinctly stated, as a third ground of motion in court at first instance, that the Liquor License Act is beyond the power of the Legislature and at page 124 it says that only two points appear to have been discussed in Ontario: first, that the Legislature of Ontario had not the power to enact such legislation, and, second, if the Legislature had such authority it could not delegate it to a board, and it proceeds thus, the appellant now seeks to reverse the decision of the Court of Appeal of Ontario on the two grounds on which the case was discussed at that court, and on others, technical but substantial. And at page 128, Mr. Kerr and Mr. Jeune, in their very full and able argument, informed their Lordships that the first and principal question in the case was whether the License Act of 1877, in its 4th and 5th sections, was *ultra vires* of the Ontario Legislature, and properly said it was a matter of great importance as between the Dominion Parliament and the Legislature of the Province; and the whole argument and the judgment of the court, well, proceeds to deal with these two questions and not the limited question which my learned friend says was presented, and at page 131 they conclude with the words—

*Gwynne, J.*—What is the limited question?

*Mr. Gregory.*—Whether these license commissioners of Ontario could pass a by-law saying that no hotel keeper should suffer a game of billiards to be played on his table on the premises after six or seven o'clock in the evening.

*Gwynne, J.*—What! was that what opened the whole argument?

*Mr. Gregory.*—Yes, my Lord.

*Henry, J.*—That might, nevertheless, admit the power of the Legislatures to make the same regulation.

*Mr. Gregory.*—My friends present that as being the only point determined, but I am calling attention to the fact that when they got before the Privy Council they there distinctly stated that they desired to have the question argued clearly and entirely upon the power of the Ontario Legislature.

*Ritchie, C. J.*—How could it arise? Because the very circumstance of the hotel keeper and the commissioners having control over the retail, having the right to make regulations was dependent on the power of the Local Legislature to limit the powers of hotel keepers by granting licenses.

*Mr. Gregory.*—I agree that far.

*Strong, J.*—It involved the general question of the police power.

*Mr. Blake.*—That is the foundation.

*Henry, J.*—It might have been settled under the subsidiary question as to whether the delegated power to the commissioners was lawful or not.

*Mr. Gregory.*—I only refer to this because my learned friends in their facts seek to evade the main point, because they discussed it. They invited discussion upon these great and important principles, the case was heard upon these important principles and the judgment was given on these important principles.

*Strong, J.*—There is nothing to authorise the regulation of billiard tables in private houses; it is public billiard tables. The whole thing comes under the tavern license.

*Mr. Bethune.*—It comes under a separate power, as I will show.

*Mr. Blake.*—Not at all; it is that those License Commissioners have the power to make the regulations as to taverns, and they say, "you shall not have a billiard table, except under certain limitations." The foundation was the Act of Parliament and its validity.

*Mr. Gregory.*—I would not have thought it necessary to say this if it was not that I discovered in the learned gentlemen's factum that they put it as I stated.



Unquestionably, it appears to my mind that it was essentially and necessarily involved.

*Ritchie, C. J.*—The foundation of the rights of the Commissioners, as I understand, to deal with billiard tables in hotels, was based on legislation of the Local Legislature, in granting licenses over public houses for the sale of intoxicating liquors.

*Mr. Gregory.*—Yes, my Lord. My learned friends, you will find, if I am not very much mistaken, in their claim say, that granting licenses for billiard tables is separate and distinct from the other power, but it was not in this case the exercise of such a power alone; it was the exercise of the licensing power.

*Henry, J.*—If the subsidiary points had alone been argued and decided, then Mr. Bethune's contention would be right, but if the whole case were argued and the points were taken, then it must necessarily cover the whole case.

*Ritchie, C. J.*—The offence in this case, as I understand it, was not the keeping of a billiard table alone, but the keeping of a billiard table in a hotel which was licensed under and by virtue of that Act.

*Mr. Bethune.*—Keeping it for hire was the offence.

*Mr. Irving.*—The offence was playing at an hour on Saturday night when they were not allowed to play.

*Ritchie, C. J.*—Just the same way as if the Act had said they were not to keep a billiard table for purposes of hire in a hotel.

*Mr. Blake.*—That was one of the restrictions, which, as a tavern keeper, he had got it on, and he had broken it.

*Strong, J.*—It stands on all fours with the Poulin case.

*Mr. Gregory.*—At page 131 I find the following: "Their Lordships are therefore of opinion that in relation to sections 4 and 5 of the Act in question, the Legislature of Ontario acted within the powers conferred on it by the Imperial Act of 1867, and that in that respect there is no conflict with the powers of the Dominion Parliament."

It cannot therefore be said that the single points stated in favor of the parliamentary power, in the factum, was the only point presented. Then, at page 4 of their factum, at line 30, it is claimed to be impossible to read certain parts of the judgment in *Russell vs. The Queen* without being driven to the conclusion that their Lordships thought that so long as Parliament did not legislate upon the subject of their regulations of the liquor traffic, and in so far as Parliament did not so legislate, the Legislature might make local police regulations for the government of licensed houses, which should be in force until Parliament did legislate. To this it is answered that if their Lordships thought so they did not say so, and the authorities and arguments presented here conclusively negative such a thought, if it was entertained by their Lordships, and establish that the powers of legislation given to Parliament and the Legislatures, respectively, are separate and distinct, attaching at the moment of passing the British North America Act, and in no sense dependent one upon the other. It is claimed, on page 9 of their factum, in support of parliamentary power, that it cannot be successfully argued that there is an inherent connection between municipal institutions and the liquor traffic, and certainly no more inherent connection between municipal institutions and the liquor traffic than between municipal institutions and the hardware trade.

*Gwynne, J.*—A portion of the liquor trade might come legitimately within the hardware trade.

*Mr. Gregory.*—The proposition which my learned friends lay down there is that municipal institutions have no necessary connection with the liquor trade any more than any other trade. Now, I do not propose to quarrel with them on the latter proposition.

*Strong, J.*—Everybody in this country understood that municipal institutions had relation to all those matters connected with the sale of liquor, but that was never alluded to in the *Russell* case.

*Mr. Gregory.*—I think, in addition to that, there is some inherent connection between municipal institutions and trade generally. I have turned up the *Encyclopædia Britannica*—

*Strong, J.*—Anybody on this side of the Atlantic would know that these words include what is called the police power; the extent of that power is the real question in this case, it seems to me.

*Mr. Gregory.*—The article in the *Encyclopedia Britannica* on the subject of municipalities goes on to say:—

“But a more important source of municipal privilege is to be found in the institution of the Guilds, which, in time, acquired the control and monopoly of the local commerce, so that in the reign of Henry II the possession of the Merchant-Guild or ‘hanse,’ as it was called in the north, became ‘the token of municipal independence,’ the Guild being, in fact (if not in theory), the governing body of the town. The courts in latter times have accordingly held, as in the case of Totnes, that the grant of *Gilda mercatoria* implies the incorporation of the burrough.”

So that if that goes for anything, it seems there is some historical connection between the internal management of trade and commerce and municipal institutions.

*Ritchie, C. J.*—The Royal charter to the city of St. John gave them the right to license.

*Mr. Blake.*—It is taken from the old term *municipia*.

*Strong, J.*—I think it would be well to take this principle that I referred to yesterday, that it was not intended to lessen the local powers at all. The general intent of the Confederation Act was to secure local self-government. Just start from that general principle. When you do that, then you will find, as a matter of fact, that in all the Provinces the regulation of taverns was a matter of local regulation. It was so in New Brunswick, Ontario and Quebec, and to some extent in Nova Scotia. When you find that to be so, municipal institutions must, on every principle of construction, include the power to regulate licenses.

*Mr. Gregory.*—In New Brunswick, and, I think, in some of the other Provinces wholesale as well as retail was so included. It is claimed in the factum of my learned friends that there can be no pretence for saying that classes 4 and 5, as amended vessel licenses and wholesale licenses are within the jurisdiction of the Legislature. Now, I have already claimed that under the municipal powers of New Brunswick before Confederation the wholesale as well as the retail trade was under the control of the municipalities; but I agree that independent of that, control of the wholesale trade is, equally with the control of the retail trade a matter of police regulation, when once the property has been lawfully brought into the country beyond recall, and has become part of the property within the Province.

Now in Hodge and the Queen their Lordships say that a subject which, in one aspect and for one purpose, falls within section 92, may, in another aspect and for another purpose, fall within section 91, and they decide that the subject matter of this Act falls within section 92. It seems to me that that is conclusive of the case. If the right to regulate this traffic be in the Local Legislature as a municipal or police matter—some little argument has been addressed here to claim that this might, in some way, be taken possession of by Parliament, under their power to raise a revenue by any means—if the right to regulate this traffic be in the Local Legislature, no right to take possession of it would inure to Parliament by reason of its power to raise money by any mode or system of taxation; because, while it might demand a tax from any one lawfully engaged in any business, it could not create a business for the purpose of taxing it; and for that I rely on the judgment of his Lordship Chief Justice Ritchie in the case of *Fredericton vs. The Queen*, page 541. True, it is there he is dealing with the converse case, but he is dealing with sub-section 9, and his Lordship there says distinctly that the Local Legislatures could not create a business for the purpose of taxing it under the power conferred by that 9th sub-section. They could tax existing business, because, his Lordship puts it, dealing with it there as he does, it is a matter of trade and commerce. Invert the matter, and if the power to regulate it is in the Local Legislature, the power to tax it, given by the general power to Parliament, would not authorize them to create a business for the purpose of taxing it or to interfere with the right to control.



Your Lordships' attention has been called to the fact that while this Act is ostensibly enacted, for the purpose of producing uniformity in the liquor traffic, that in itself, does anything else, in point of fact. I wish now to say, in addition to the points which my learned friend, Mr. Archibald, called your attention to in that respect, that I would call your attention to a few sections of the Act, which shows still further the great want of uniformity which was created by this statute, section 7, giving the council of any city, incorporated village, town, township or parish, by a by-law to be passed before the 1st day of March in any year, power to prescribe for the then ensuing license year, beginning on the 1st day of May, any requirements in addition to those in the last two preceding sections mentioned, as to accommodation to be possessed by hotels and saloons, which the council may see fit. Then section 32 is as follows:—

"No license shall be granted if two-thirds of the electors in the sub-division petition against it, on the grounds hereinbefore set forth, or any of such grounds." Then, section 44 authorizes the municipal council to reduce the number of hotel, saloon and shop licenses to be issued. Then section 45, with its two sub-sections, which are rather astonishing sections, to my mind, where it seems that in the Province of Quebec there is an attempt to give that Province its entire and absolute freedom of law, except always, of course, it takes away from them the regulating as Government matter for Government revenue, except by the clause to which your Lordships' attention has been called—but section 45 says:—

"No provisions in this Act contained shall affect the powers conferred on the municipal council in the Province of Quebec of each county, city, town, village, parish and township, by the laws in force in the said Province on the 1st day of July, 1867, to restrict or prohibit the sale of intoxicating liquors in the limits of their respective territorial jurisdiction; and the said powers, and the by-laws now in force, passed under the authority of the said laws, are hereby preserved and confirmed."

To that was added a sub-section to this effect, last year:—

"In every town, village, parish and township in the Province of Quebec, the municipal council thereof may by by-law restrict or prohibit, within the limits of such town, village, parish or township, the sale of intoxicating liquors."

Then another sub-section was added, as follows:—

"In every such town, village, parish or township in which, since the 1st day of July, 1867, the council thereof, under color of any statute of the Province of Quebec, has passed a by-law restricting or prohibiting the sale of liquor within the limits of the said town, village, parish or township, such by-law shall be and is hereby confirmed: provided always, that nothing herein contained shall apply to any by-law the validity of which is now in question in any court of law."

Then section 47 makes a still further provision, which is analogous to the provision largely that was declared *ultra vires* of the Local Legislature in the case of the Justices of King's, which provides for option. These things show that so far from uniformity being established in the traffic, that the utmost confusion is established. True, my learned friends may say the uniformity consists in your being able to avail yourself in any part of the Dominion of those provisions; but that is not so. There are different provisions for Quebec from the provision for the other Provinces, and the carrying into effect of these provisions would introduce confusion into the trade.

*Ritchie, C. J.*—If the Dominion Parliament have the power to deal with this subject, surely they are not bound to make the same provisions for every county. They must judge of the necessities of each individual Province, if they have the general power to deal with it.

*Mr. Gregory.*—That only strikes at the worthlessness of the argument as to uniformity; if they have the power they can make different regulations for every parish. Sections 32 and 47 are sections which deal with prohibition, and therefore, in considering the details of this Act, if your Lordships conclude that prohibition is *intra vires* of the Parliament and *ultra vires* of the Local Legislatures, possibly your Lordships will take a different view of sections 32 and 47 from what you do of the other sections of the Act; but there is still another objection to two sections of this Act

which, as I think, are entirely beyond the powers of Parliament—those are sections 92 and 93—and on entirely different grounds from anything which has yet been submitted to your Lordships. These are sections which profess to deal—and which do not rest upon municipal rights in the Local Legislatures, but rest entirely upon property and civil rights—“to deal with cases where it shall be made to appear in open court that any person, by excessive drinking of liquor, misspends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the justice holding such court shall, by writing under the hand of two such justices, forbid any license to persons to sell to him or her for the space of one year, and such justices, or any other two justices, may, at the same or any other time, in like manner forbid the selling of any such liquor to the said drunkard by any such licensed person of any other city, town or district to which the drunkard resorts or may be likely to resort for the same.”

*Ritchie, C. J.*—If the Dominion Parliament has the right to control the sale of liquor, why not have the power to deal with it in this as well as in any other way?

*Mr. Gregory.*—It takes hold of his property to preserve it for his family.

*Ritchie, C. J.*—The person who is interdicted?

*Mr. Gregory.*—Yes, my Lord. Then the sub-section of section 92 provides that if anybody furnishes liquor to such prohibited person, such persons shall, upon conviction, incur, for every such offence, a penalty not exceeding \$20. Then, when we come to the 93rd section we find it provided that “any husband or wife whose wife or husband has contracted the habit of drinking intoxicating liquor to excess—the father, mother, curator, tutor or employer of any person under the age of twenty-one years who has contracted the habit of drinking intoxicating liquor to excess—the manager or person in charge of any asylum or hospital or other charitable institution in which any person so addicted resides or is kept—the curator or committee of an interdicted person or lunatic, or the father, mother, brother or sister of the husband or wife of such persons—may require the chief inspector to give notice in writing, signed by him, to any person licensed to sell liquor, that he is not to sell or deliver the same to the person addicted to such habit, or to such interdicted person or lunatic.”

*Ritchie, C. J.*—Where does it refer to the property?

*Mr. Gregory.*—I find that I have made a mistake. I claim that section 69 is *ultra vires*, but not exactly on the ground I have stated. But I withdraw the whole of my last remarks, in which to call your Lordships' attention to sections 92 and 93 of the License Act.

Now, the deduction that I make from the cases, I will state in a few words: It is that in contemplation of the British North America Act the classes of matters enumerated in section 91 of that Act are separate and distinct from the classes enumerated in section 92, no one of the first named classes being within any of the second named classes, nor any of the second named classes in the first. It is obvious that from time to time subjects of legislation will be presented which will, with doubt and difficulty, be considered to fall within one class of matters and without the other class, and no hard and fast rule can be laid down in advance for determining within which class such legislation will fall, but it will be for Parliament and the respective Legislatures in the first instance, and for the courts as a last resort, to attach such limited meaning to the classes of subjects mentioned in these sections, respectively as will make them distinct, and as each subject of legislation is presented, to determine as best they can what class of legislation it falls in, Parliament and the Legislatures being held to a *bona fide* exercise of their powers within their respective limits. In this case the subject falls within the class of subjects mentioned in section 92. In this way the courts of appeal and of last resort will, from time to time put down milestones and landmarks to mark the division line between these two classes of subjects. It may not be an absolutely straight line; but it will be as useful and practical, whether it be a straight line or otherwise, so long as it becomes a certain line; and, by degrees, this line will become marked by the milestones which the courts will lay down, so that eventually those clauses will be so understood by every



one that we can easily determine within which class of subjects a matter of legislation falls. The courts of first instance, from which appeals are taken to the courts of last resort, may aid, doubtless, by marking, as far as they can, and so far as they keep within the line or way marked by the courts of appeal, they assist; but if they should mark outside, then the matter will be easily corrected, and eventually we will ascertain what the division really is. With these few additional remarks, I beg that the observations of my learned friends shall be taken as being made on behalf of Nova Scotia and New Brunswick, as well as on behalf of their own Provinces.

*Mr. Davie.*—May it please your Lordships: I have the honor to appear on behalf of the Province of British Columbia; and, together with my friends who preceded me, take the view that the legislation under discussion is beyond the competence of the Parliament of the Dominion. Before dealing with what I may consider to be the legal aspect of the case, I desire to say that, at the last Session of the Legislature of British Columbia, a resolution was passed, instructing the Government to take all constitutional measures for resisting this legislation, the people of my Province considering that it is an interference with their local rights; and that the judicial recognition of such legislation would be but the first step in the practical obliteration of many important sub-sections in the 92nd section of the British North America Act.

Now, the answers to the questions propounded for the consideration of the court, of course, depend upon the true construction of sections 91 and 92. Of course, if the legislation be within the competency of Parliament, it is by reason of section 91, and especially that part of it which has reference to the regulation of trade and commerce. If, upon the other hand, it is within the competence of the Provincial Legislatures, it is because the jurisdiction falls within class 8, municipal institutions in the Province; class 9, shop, saloon, tavern, auctioneer and other licenses, in order to the raising of a revenue for provincial, local or municipal purposes; class 13, property and civil rights in the Province; class 15, the imposition of punishment by fine, penalty or imprisonment for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this section; and class 16, generally all matters of a merely local or private nature in the Province.

I propose to deal briefly with each one of these. First, as regards municipal institutions, I may say, at once, that in British Columbia we have not now, neither had we at the time of Confederation, any such systems as those prevailing in the Provinces of Ontario and Quebec; and, as I understand, also in New Brunswick and Nova Scotia; and municipal institutions, therefore, may be said not to apply to British Columbia in the same way in which they are claimed for the Province of Ontario.

*Ritchie, C. J.*—It was not an original Province.

*Henry, J.*—We may possibly assume that the term is applicable to the four Provinces that were affected by the Act of Confederation, because the others were not then at that time, and they had not municipal institutions in British Columbia, or Prince Edward Island, or Manitoba.

*Mr. Davie.*—We come in under exactly the same provisions.

*Henry, J.*—But if they had no municipal institutions at that time, it could not be raised as an answer to alter the effect of the fact that the other four Provinces which were affected by the Act had municipal institutions.

*Strong, J.*—But in order to interpret municipal institutions, it is reasonable to refer to institutions in existence in the four Provinces.

*Mr. Davie.*—British Columbia gets the benefit of them, and in section 10 of our terms of Union we find this:—

"The provisions of the British North America Act, 1867, shall (except those parts thereof which are in terms made or by reasonable intendment may be held to be specially applicable to, and only affect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this minute) be applicable to British Columbia, in the same way and to the like extent

as they apply to the other Provinces of the Dominion, and as if the colony of British Columbia had been one of the Provinces originally united by the said Act." This is in the appendix to the Revised Statutes of British Columbia, page 210. This was in 1871.

*Gwynne, J.*—She came in as if she had been a province named in the British North America Act?

*Mr. Davie.*—Yes, my Lord.

*Ritchie, C. J.*—Is not that in the Dominion Act which unites British Columbia with the Dominion?

*Mr. Davie.*—No; the union took effect by reason of an address from British Columbia and Canada to the Imperial Government, under the section of the British North America Act. So we claim the benefit of municipal institutions, and whatever they carried at the time of the union of British Columbia with Canada, which was in the month of July, 1871—this British Columbia is certainly entitled to. Even in the debates upon Confederation, which occurred in our own Legislature upon the question of Confederation, this very point—not exactly the liquor traffic—came up, but it was stated there, by one of the members of the House who supported the union with Canada, that if the colony was to become a Province of Canada, the people of British Columbia should have the right to manage their own local affairs as fully as any other Province had. There is no doubt that British Columbia entered the Confederation on the well-grounded belief that to the extent the other Provinces had control of their local affairs she also should have control of hers.

I come now to sub-section 9—"Shop, saloon, tavern, auctioneer and other licenses, in order to the raising of a revenue for provincial, local and municipal purposes."

The suggestion there is, that the authority is limited to the raising of a revenue. I submit that it goes to some extent further; because, when the power is granted it seems to me that coupled with that power there must of necessity be the right of prescribing conditions under which that power is exercised. Otherwise, what would be the effect? That we should have to grant a license to every scoundrel or Indian whiskey-seller who asked for it, without any qualifications whatever, as to the time and conditions at and under which he should dispose of his liquors. We should, for instance, be compelled to give it to Indians.

*Strong, J.*—There is even a stronger reason in favor of making these regulations a matter of local law in reference to your Province than with reference to any other Province, owing to the large Indian population.

*Mr. Davie.*—It is so, my Lord.

*Mr. Bethune.*—But the Indians are under the control of the Dominion authorities, and there is legislation against giving liquor to the Indians.

*Mr. Davie.*—The illustration furnished by his Lordship is very apt, because one can see that the peace of the Province is very much affected by the behavior of the Indians; therefore I say something more is conveyed by class 9 than the mere raising of a revenue.

*Ritchie, C. J.*—So far as the Indians are concerned, the Dominion has the exclusive right to deal with them.

*Mr. Bethune.*—The Dominion Indian Act expressly extends to tavern keepers.

*Mr. Davie.*—The people of British Columbia would be far more affected by drunkenness amongst Indians than any other of the people of the Dominion, and although, as stated by Mr. Bethune, the whole subject is governed by the Indian Act, we know, as well as possible, that it is necessary to so grant licenses as there shall be no likelihood, so far as we see, of the sale of liquor to the Indians, and if this sub-section 9 is to be limited to the raising of a revenue, what would be the consequence? That we should be required to grant licenses to a person who is a notorious seller of liquor to the Indians.

*Henry, J.*—What does the first part of the 92nd section say?—"In each Province the Legislature may exclusively make laws in relation to matters coming within the



classes of subjects next hereinafter enumerated." Make laws in respect to them; it is not the mere subject of collecting revenue. I say that that power has reference, not merely to the raising of the revenue, but also to the subject matter of the licenses themselves.

*Mr. Davie.*—Now, passing on to property and civil rights in the Province, I agree with the suggestion that has been made, that civil rights, indeed, has something to do with this case. If we have a right, as is conceded here, to grant licenses for the purpose of raising a revenue, what right has the Dominion to step in and take away that right from the individual to whom the civil right is granted? I submit they have no power to do that at all, and hence the legislation under discussion is in contravention of class 13.

Then, again, so far as carrying out our own laws is concerned, it is evident that we have, under class 15, the right of imposing punishment for their infringement. This, of course, runs counter to the suggestion that the liquor law comes under the criminal law, the right to legislate on which is vested in the Parliament of Canada.

*Gwynne, J.*—That would only affect such clauses as make it a criminal offence to violate the law.

*Mr. Davie.*—I would refer to what was said in the case of *The Queen vs. Boardman*. It is to be found in 30, Upper Canada Reports, page 533. There, speaking of that, he cites the case of the Attorney General *vs. Randloff*, where Baron Martin says:—

"There are many crimes, properly so-called, which are liable to be punished by summary conviction; but there are a vast number of acts which in no sense are crimes, which are also so punishable; such, for instance, as keeping open public houses after certain hours, and a variety of breaches of police regulations, which will readily occur to the mind of anyone. The bringing tobacco into this kingdom is of itself a perfectly innocent act; but the requirements of the public revenue, which induced the Legislature to impose a very high duty upon the article, probably rendered it a matter of necessity that the bringing it into the kingdom without payment of the duty should be subjected to a penalty. But this cannot affect or alter the intrinsic and essential nature of the act itself, and it seems to me that it cannot be denominated a 'crime,' according to the ordinary and common usage of language and the understanding of mankind."

Therefore I say, so far as breaches of these police regulations are concerned, and in respect of which the Dominion attempts to legislate, they cannot come under the domain of the Dominion law.

*Ritchie, C. J.*—There are a great many cases to be found in the books where the question arises whether a man has the right to testify on his own behalf.

*Mr. Bethune.*—Sir Montague Smith says the test of whether it is criminal or not is if a man is fined.

*Gwynne, J.*—Those observations are made especially with reference to the clause against selling liquor to men against the protests of their wives. The Dominion statute already makes a violation of provincial laws a misdemeanor.

*Mr. Davie.*—My contention is this, that so far as offences are created and fines inflicted and punishments inflicted by the Liquor License Act of 1883, those are not the subjects of criminal law within the meaning of section 91.

Lastly, section 16—"Generally all matters of a merely local or private nature in the Province." I must strongly contend that the whole of this legislation, with the exception, perhaps, of one matter which I shall mention, comes within the meaning of that 16th class. And I will endeavor to get at it very briefly in this manner, to ascertain how the liquor traffic is dealt with in England, Ireland and Scotland, in British Columbia and some of the other Provinces before Confederation, and also in the United States.

Now, for the purpose of my argument, there is in England what I contend is the only option as regards the granting of liquor licenses, in this way: the magistrates in the locality in which the license is to be exercised have absolute discretion, having regard to the convenience of the public, in granting liquor licenses. Your Lordships

will find that in the Imperial Statutes, 9 George 4th, chap. 61, section 1; in Scotland by 9 George 4th, chap. 58, section 7; and in Ireland by 3 and 4 William 4th, chap. 68. As to what it is in America, I will trouble your Lordships with a quotation from Cooley's Constitutional Limitations, 5th edition, page 718. The heading of the paragraphs is "Restraints on the Sale of Liquors," and the title of the chapter is "The Police Power of the States," chapter 16. The quotation is as follows:—

"Restraints on sale of liquors.—Those statutes which regulate or altogether prohibit the sale of intoxicating drinks as a beverage have also been, by some persons, supposed to conflict with the federal constitution. Such of them, however, as assume to regulate merely, and to prohibit sales by other persons than those who are licensed by the public authorities, have not suggested any serious question of constitutional power. They are but the ordinary police regulations, such as the State may make in respect to all classes of trade or employment. But those which undertake altogether to prohibit the manufacture and sale of intoxicating drinks as a beverage have been assailed as violating express provisions of the national constitution, and also as subversive of fundamental rights, and therefore not within the grant of legislative power."

That legislation of this character was void, so far as it affected imported liquors, or such as might be introduced from one State into another, because in conflict with the power of Congress over commerce, was strongly urged in the license cases before the Supreme Court of the United States; but that view did not obtain the assent of the court. Opinions were expressed by a majority of the court that the introduction of imported liquors into a State, and their sale in the original packages as imported, could not be forbidden, because to do so would be to forbid what Congress, in its regulation of commerce, and in the levy of imposts, had permitted; but it was conceded by all that when the original package was broken up for use or for retail by the importer, and also when the commodity had passed from his hands into the hands of a purchaser, it ceased to be under Congressional protection as an import, or a part of foreign commerce, and became subject to the laws of the State, and might be taxed for State purposes, and the sale regulated by the State, like any other property. It was also decided in these cases that the power of Congress to regulate commerce between the States did not exclude regulations by the States, except so far as they might come in conflict with those established by Congress; and that, consequently, as Congress had not undertaken to regulate commerce in liquors between the States, a law of New Hampshire could not be held void which punished the sale in that State, of gin purchased in Boston and sold in New Hampshire, notwithstanding the sale was in the cask in which it was imported, but by one not licensed by the section.

It would seem, from the views expressed by the several members of the court in these cases, that the State laws, known as prohibitory liquor laws, the purpose of which is to prevent altogether the manufacture and sale of intoxicating drinks as a beverage, so far as legislation can accomplish that object, cannot be held void as in conflict with the power of Congress to regulate commerce, and to levy imposts and duties. And in several cases it has been held that the fact that such laws may tend to prevent or may absolutely preclude the fulfilment of contracts previously made in no objection to their validity. Any change in the police laws or, indeed, in any other laws, might have a like consequence.

The same laws also have been sustained when the question of conflict with State constitutions or with general fundamental principles has been raised. They are looked upon by the Legislature for the prevention of intemperance, pauperism and crime, and for the abatement of nuisances. It has also been held competent to declare the liquor kept for sale a nuisance, and to provide legal process for its condemnation and destruction, and to seize and condemn the building occupied as a dram shop, on the same ground. And it is only where, in framing such legislation care has been taken to observe those principles of protection which surround the persons and dwellings of individuals, securing them against unreasonable searches and seizures and giving them a right to trial before condemnation, that the court



have felt at liberty to declare that it exceeded the proper province of police regulation. Perhaps there is no instance in which the power of the Legislature to make such regulations as may destroy the value of property, without compensation to the owner, appears in a more striking light than in the case of these statutes. The trade in alcoholic drinks being lawful, and the capital employed in it being fully protected by law, the Legislature then steps in, and by an enactment based on general reasons of public utility, annihilates the traffic, destroys altogether the employment, and reduces to a nominal value the property on hand. Even the keeping of that for the purposes of sale becomes a criminal offence; and without any change whatever in his own conduct or employment, the merchant of yesterday becomes the criminal of to-day, and the very building in which he lives and conducts the business which, to that moment, was lawful, becomes the subject of legal proceedings, if the statute shall so declare, and liable to be proceeded against for a forfeiture. A statute which can do this must be justified upon the highest reasons of public benefit; but whether satisfactory or not, the reasons addressed themselves exclusively to the legislative wisdom.

I submit, from that passage there is clearly shown, so far as the United States are concerned, even to the extent of prohibition the States regulate that as a matter of police, and within their exclusive jurisdiction. In British Columbia there is also what I term, for the purpose of my argument, local option, and that from the very first. I have in my hand a copy of an old statute of Vancouver Island, before that colony was united with British Columbia. It is entitled, "An Act to provide for regulating the sale of Wines, Spirits, Malt and other Liquors." It was passed in July, 1861. A portion of it, to which I wish to call attention, is section 6, which is as follows:—

"All licenses granted under this Act by the justices of the peace shall be for one year from the 21st of July in each year; provided, nevertheless, that the justices may, and they are hereby authorized from time to time to grant any one or more of the licenses hereinbefore mentioned, for a shorter period than one year, but not less than three months, to such persons only as have not been before licensed for the same year; but all such licenses shall terminate, as well as the licenses for one year, on the said 21st day of July; and provided always that no license shall be granted to any person not before licensed, unless it shall appear to the magistrates that such grant be necessary to the interests of the public."

*Gwynne, J.*—That was repealed by the Confederation Act?

*Mr. Davie.*—No, my Lord; by another statute.

*Strong, J.*—That was a local discretion, amounting virtually to prohibition.

*Mr. Davie.*—Yes, my Lord; and I shall show, further on, that the right to prohibit rests with the Province.

*Mr. Bethune.*—Was the revenue derived from the liquor traffic in those days used for colonial or municipal purposes?

*Mr. Davie.*—For colonial purposes; there were no municipalities at that time. I next come to the British Columbia License Statute of 1867 —

*Ritchie, C. J.*—All the Provinces had the right to prohibit. New Brunswick did so one year, and afterwards repealed the Act.

*Mr. Davie.*—I will use these statutes to show that so far as licenses were concerned it was a matter of local option with the magistrates.

*Strong, J.*—In the New Brunswick case the courts compelled the justices to issue the licenses.

*Mr. Burbidge.*—The court was accustomed to compel the Sessions to issue licenses and exercise a reasonable discretion.

*Mr. Davie.*—Then, in 1867, the united colonies of British Columbia and Vancouver Island passed a license ordinance; it is No. 76 of the Revised Statutes of British Columbia, section 5. The statutes were revised in 1871, just before Confederation. The statute itself was passed in 1867. Section 5 is as follows:—

"No license shall be granted to any person for the sale of wines, spirits, beer or other fermented or intoxicating liquor by retail, unless upon the certificate of a justice

of the peace, which said certificate shall be granted after specific and public application therefor and after reasonable notice to such justice, to be given by the applicant due regard being had in the granting by such justice of such certificate to the requirements and convenience of the public, and such certificate may be in the form in schedule C."

Then, subsequent to Confederation, to show what the opinion of the Province was as to the right to deal with this matter, it being purely a matter of a local nature, we find the License Amending Act, 1874, passed by the British Columbia Legislature. It is No. 20 of the British Columbia statutes for that year, section 1 of which enacts as follows:—

"No license shall be granted for the sale of wines, spirits, beer or other fermented or intoxicating liquor, in any town, village or settlement, unless (in addition to the requirements and provisions in that behalf of the License Ordinance, 1867) a petition or requisition for the granting of such license, signed by at least two-thirds of the residents, other than Chinese or Indians, over 21 years of age, of such town, village or settlement, shall be presented to the magistrate or magistrates to whom the application shall be made for the granting of such license."

Then there are the Municipal Act of 1872 and the Municipal Act of 1881, with the provisions of which I shall not trouble your Lordships further than remarking this—the Province handed over to them for municipal purposes the revenue derived from retail and wholesale liquor licenses. So that where we have, in British Columbia, municipalities at all (and there are not a great many of them—the cities of Victoria, New Westminster and Nanaimo, and some rural municipalities—the liquor licenses have been handed over by virtue of the last statutes I have referred to, for the purposes of municipal revenue. I therefore say, especially when one comes to consider the laws of the other Provinces which have been adverted to by my learned friends, wherever you go, in English-speaking communities, take Great Britain and Ireland, United States and the Provinces of the Dominion, you find the subject of the liquor traffic is, and always has been, recognized as a matter of local option.

Now, further than that, without wishing to be tiresome at all, your Lordships have, of course, observed that the scope of subjects assigned to the Dominion Parliament is of a national character, such as would concern the people of Canada as a whole, such as would concern the Provinces in the aggregate, and not merely a portion of the Dominion or of a Province. In *Leprohon vs. the City of Ottawa*, 5 Ontario Appeals, page 546, Justice of Appeal Burton says:—

"The powers delegated to the Government of the United States, like those granted by the Imperial Legislature exclusively to the Dominion, concern, speaking generally, public functions and duties of a higher and more extensive order than the remaining powers which the people reserved to the States Governments. In other words, the people entrusted to the central authority the powers and functions which were deemed necessary for carrying on the Government of the Union, whilst those deemed appropriate for carrying on the Government of the individual States were reserved to the State authorities."

Now, there is an important case decided by this court, which seems to me to have an important bearing on the subject matter under discussion. I refer to the case of *Seymour and the Queen*, in 2 Canada Supreme Court Reports, page 70. Your Lordships will recollect what was the matter under discussion there, namely, whether, under section 92, sub-section 9, the Province could impose license fees upon persons manufacturing beer, not so much in respect to the sale of it, but in respect to the manufacture of it; and your Lordships rightly held that that could not be done; but in the course of your Lordships' judgment in that case, not a suggestion was ever made but that the regulation of the liquor traffic remained with the Provinces. On the contrary, much that was said in that case by the judges goes to show that the regulation of the liquor traffic rested with the Provinces. For instance, Chief Justice Richards at page 92, says:—

"In some of the Provinces a portion of the moneys from shop, saloon and tavern licenses (and perhaps also auctioneers' licenses), formed part of the provincial revenue.



The mentioning of these by name shows that the power to legislate as to them was intended to be given to the Local Legislatures, and thus to interfere with what would otherwise have been the exclusive right of the Dominion Parliament to legislate on the subject. These were matters in which the municipalities were peculiarly interested, and as to which the local authorities would be much more likely to work out the law in a satisfactory manner. In fact, as to the 'other licenses' the Dominion Parliament would be meddling with parish business if they undertook to legislate about them. We can therefore see very good reasons why these licenses as to local and municipal matters should be under the control of the Local Legislatures, and equally good reasons why, as regards licenses for such matters as would be likely to affect trade and commerce and the revenue derivable from the Excise and Customs, these latter affecting great and paramount interests, no express power was given to the Local Legislatures."

Then, the present Chief Justice of this court, at page 99, says:—

"I cannot think it was intended to confine the power of the Local Legislature for the raising of a revenue for provincial purposes to licenses of a purely municipal character, granted, most frequently, rather with a view to police regulations than for purposes of revenue, and which, when granted for the latter object, could hardly be supposed to be more than adequate for local and municipal purposes. I think the power given under sub-section 9 should be construed as intended to furnish the Local Legislature with the means of raising a substantial revenue for provincial purposes from all such licenses as, at the time of Confederation, were granted in the new Dominion, either by provincial or municipal authority."

His Lordship Justice Strong, at page 105, says:—

"It was also contended by counsel for the respondent that under the words 'municipal institutions in the Province,' which constitute sub-section 9 of section 92, or under sub-section 16 of the same section, which gives legislative power in 'all matters of a merely local or private nature in the Province,' the Provincial Legislatures possess authority to legislate in exercise of what American authorities have conveniently termed the 'police power'—meaning a power to legislate respecting ferries, markets, fares to be charged for vehicles let for hire, the regulation of the retail sale of spirits and liquor, and on a number of other cognate but indefinite subjects, which, in all countries where the English municipal system, or anything resembling it, prevails, have been generally regarded and dealt with as subjects of municipal regulations. Without expressing any opinion as to the soundness of this argument, I am of opinion that, even if it was entitled to prevail, it could not warrant the imposition of a license tax upon the manufacture or wholesale sale of beer, any more than it would authorize a similar tax upon any other manufacture or commerce by wholesale."

And his Lordship Justice Taschereau, at page 115, says:—"But these words" (that is class 9) "may and must mean all matters and regulations of police and the government of those saloons, taverns, auctioneers, &c."

Now, you will observe there are no apt words in the British North America Act to deprive the Provinces of powers and rights usually held by local authorities—of what, unless it be taken away from them, were powers of a local nature, to be exercised with reference to the localities. There are certainly no such words in section 91 of the British North America Act, while the words I have adverted to in section 92 go most strongly and conclusively to show that these matters, being of a local nature, rest with the Provinces. Now, any other contention would, as has been already pointed out by my learned friends from Ontario, sweep into the power of the Dominion Parliament every class of subject which is assigned exclusively to the Local Legislatures. Scores, yes hundreds of classes of subjects given by the Act of 1881 to the municipalities in British Columbia—I do not suppose there is one of them in respect to which it might not be said that in some way or other incidentally it affected trade and commerce. There is no doubt about that, and if the matter is to be tested by the wide meaning and scope of those words "trade and commerce," there will indeed be nothing left to the Provinces at all.

And now I wish to refer to another matter, which, it seems to me, is very pertinent for Your Lordships' consideration; I do not say it is conclusive, but I say it is a very cogent argument. You Lordships find here that the Provinces originally forming the Union, together with the Provinces subsequently united, are here protesting against this legislation; and, it seems to me, this circumstance should have the most cogent weight with your Lordships as to the construction of section 91 and 92, where a conflict arises, and for this reason—the original Provinces forming the Union were those which claim the British North America Act. Of course we refer to it as an Imperial Act. I believe it was Lord Carnarvon who introduced it in the House of Lords, but it was spoken of in the nature of a treaty.

*Strong, J.*—It is framed on the resolutions of what is known as the Quebec Conference of 1865, and is spoken of as "The Quebec Conference."

*Gwynne, J.*—It is recited in the preamble as having been presented on the petition of the Provinces.

*Mr. Davie.*—When you find those Provinces unitedly coming before your Lordships and assuring you that that is their view of the proper construction of the Act I say that that argument should be, I will not say a conclusive, because that doctrine carried out would be pernicious—but I say that those who consented to such powers as have been given to the Parliament of Canada, being given, it seems to me if I may use the illustration, that they are parties to a contract, and they agree as to its construction. Now, surely, even with the variation that occurs in this case, of the Dominion Parliament coming in, the argument should have its weight.

*Strong, J.*—It is an English manufacture, the Act itself. I have often heard from my brother Henry, who was a delegate, that it was drawn by Mr. Riley, private draughtsman, based on the resolutions of the Quebec Conference; and I believe not a single amendment was made in the House of Commons, and only a single verbal amendment was made in the House of Lords.

*Henry, J.*—As the subject has been referred to, I may mention that I took part in the original transaction. The original draught of the Act, which was afterward handed to Mr. Riley, was made by the late Judge Fisher and myself. I have got some of the printed copies of the original draught yet.

*Gwynne, J.*—As soon as Mr. Riley draughted it, it was presented.

*Strong, J.*—The very words of the Act are those of the Quebec Conference.

*Ritchie, C. J.*—All the Provinces were represented, each one having able delegates in London, who supervised all the legislation. Lord Carnarvon only submitted that which all the delegates agreed to, and the legislation was only an endorsement of what had been agreed upon between the Provinces.

*Henry, J.*—After the Conference, four Attorneys-General were appointed committee to draught the Act. In effect, it was done by Judge Fisher and myself and was handed by the four Attorneys-General to Mr. Riley, the draughtsman.

*Mr. Davie.*—Therefore, I say that it is but an Imperial ratification of the solemn compact of the Provinces.

*Strong, J.*—In other words, it is a constitution made by the people themselves—made by the Provinces.

*Mr. Davie.*—Yes, my Lord.

*Strong, J.*—For that reason it struck me that there was great force in what Mr. Archibald said yesterday, when he argued that in construing an organic law you are entitled to refer to the history of it and the circumstances attending its construction.

*Gwynne, J.*—For that reason it could be construed much better in this country.

*Mr. Davie.*—I mention the matter for the purpose of arguing that such consensus of opinion as we have here should have its due weight with the court in the construction of the Act.

*Ritchie, C. J.*—I must confess I cannot see much force in that observation, for this reason: That while the Provincial Legislatures are bound to preserve intact the rights they have in this, I am bound to say the Dominion have just as much right to preserve intact all that belongs to the Dominion Parliament, and therefore we have not this conflict. We have in this what occurs in every lawsuit, two parties, the



Dominion on one side claiming one thing, the Local Legislatures on the other, claiming another. And because the Local Legislatures claim it ought to have no more weight with this court than the fact that the Dominion claims it. I do not see why the opinion of the Local Legislatures should have any more weight than that of the Dominion.

*Henry, J.*—After Mr. Riley got this draught of the Act, four Attorneys-General had several interviews with him, and they, with Mr. Riley, prepared the Act.

*Mr. Davie.*—In answer to his Lordship the Chief Justice, I have not put forward the argument, or asked your Lordships to adopt it as conclusive. I say it is not so much what the Dominion Government considered it had, because what powers the Dominion possess were granted to it practically by the Provinces, but I say the consensus of the Provinces should have great weight when it is not repugnant to the express language of the Act.

*Gwynne, J.*—The same weight that there is when the partners in a partnership are united; but you must look at the deed. Their agreement is expressed in the deed; you must go by the deed; you cannot ask them what they meant.

*Ritchie, C. J.*—It may turn out that the Dominion Government have been given more power than was intended, or that they possess less than they supposed they had. The Act must be construed without reference to the opinion of either side.

*Strong, J.*—In the construction of the United States constitution the practice of the States was, after an Act was passed, that it was always considered a legitimate matter for consideration. The same way here: finding that before Confederation certain local powers were exercised, and finding the Provinces claim to still continue to exercise those local powers, I think it is a fair ground to argue that they never intended by the Confederation Act to surrender any of those powers. I do not say that it is conclusive, but it is a likely argument.

*Gwynne, J.*—That is very different from what Mr. Davie says—that because they are appearing here, as they now appear, and asserting what they do, they are entitled to some consideration.

*Ritchie, C. J.*—There is this element in the matter, that Confederation has been of considerable duration now, but there appears to have been almost a consensus with reference to this question, because of the Dominion not interfering until now. You have the Dominion Government assenting to Acts—

*Mr. Bethune.*—I know, as a matter of public history, that the Dominion Government, year after year, protested against the provisions of many of those Acts.

*Ritchie, C. J.*—Why did they not disallow them?

*Mr. Bethune.*—They protested against them. In 1869 there was a long State paper prepared by Sir John Macdonald on the subject.

*Mr. Blake.*—That just strengthens the argument on our side. Their attention was called to it, and the Acts were not disallowed.

*Mr. Davie.*—I am much obliged to his Lordship the Chief Justice for mentioning this, because it had escaped my attention. There are several Acts passed by the Province of British Columbia on this very subject, and apparently the attention of the Dominion Government was called to them and they did not disallow them. I refer to two of them—No. 29, of 1877, and also No. 30, of 1877—neither of which was disallowed by the Dominion Government, and the time for disallowance has long since past. The first one is an Act relating to the Imperial Statute, commonly known as the Tippling Act. The Act provides as follows:—"Notwithstanding anything contained in this Act, it shall be lawful for any person lawfully entitled to sell spirituous liquors, to sue for and recover liquor sold in bottles, &c."

The next one has a more important bearing, that is 30:—"An Act to prohibit the sale or gift of Intoxicating Liquors to minors, and to prevent the frequenting of Saloons by such persons." The first section is as follows:—"Any person holding a wholesale or liquor license who shall sell, give, or cause to be sold or given, any wines, spirits, beer or other fermented or intoxicating liquor to any person, having reasonable cause to believe him to be under the age of sixteen years, shall, on conviction thereof, upon information under oath, in a summary way, before any two justices

of the peace or a stipendiary magistrate in the Province, be liable to a fine not greater than the sum of \$50, and in default of payment to imprisonment for any period not exceeding one month."

*Gwynne, J.*—That would be quite consistent with this Act. Any person who has a license from the Dominion Government shall not sell to such a person.

*Mr. Davie.*—The Dominion Government, to be consistent, should have disallowed this. Now, I say also that the weight of provincial judicial opinion is in favor of the Provinces here. I shall not go over the different cases which are referred to in the factum of the Province of Ontario. I believe all the cases as set out there. I think, however, particularly, the case of *Slavin vs. the Corporation of Orillia* is a very valuable precedent. It is a direct authority that under municipal institutions and matters of a local or private nature in the Province a Provincial Legislature can confer on municipal corporations power to pass by-laws wholly prohibiting the sale of spirituous liquors in shops and places other than houses of public entertainment, and limiting the number of tavern licenses; and the conferring such power is not an interference with "the regulation of trade and commerce," assigned exclusively to the Dominion Parliament.

I would ask your Lordships' attention also to sections 16, 40 and 55 of the Dominion License Act of 1883.

Section 16 is as follows:—

"The applicant shall, with his application, deposit a fee of ten dollars to cover expenses of inspection and advertising."

Section 40 is as follows:—

"Upon the obtaining by the applicant of the certificate authorizing the issuing of a license, the chief inspector shall, on demand of the applicant so authorized, and upon the payment of a fee of five dollars, and upon his giving security by bond as hereinafter mentioned, when it is an hotel, saloon or shop license that has been directed to issue, issue to him the license to which he is entitled."

That is the fee of \$5, the license fee. Then again we have section 55 which is as follows:—

"For each transfer of a license, for each certificate permitting the continuance of the business, for each certificate of confirmation of a license to the husband of a licensed woman, and for each endorsement of permission to remove to other premises, there shall be paid a fee of ten dollars."

Now, I say that this imposition of a license fee, which is, after all, part and parcel of the system of the whole Act, is most essentially beyond the competence of the Dominion Parliament and is in direct violation of class 9 of section 92. That gives to the Province the exclusive right to the fees to be derived from these licenses; and yet, what does the Dominion Parliament do in respect to this matter? It actually raises within a particular Province a license fund, and then appropriates it for what are called Dominion purposes. This raises the question suggested by the Chief Justice, as to whether, under the power the Dominion Parliament has to raise money by any method of taxation, they could not also impose a license fee. It seems to me that question could not arise here, because the fee is not for the purpose of raising a revenue; it is a license fee for police purposes, and they have no right to raise a revenue or impose a fee for police purposes. If they had levied for the purpose of raising a revenue, under section 91—to which, by the way, they make no reference—it might be open to debate whether or not they should not have the money that they imposed, by way of taxation, upon licensed victuallers. But they do not impose it for this specific purpose; it is for police purposes.

*Henry, J.*—Your argument is, that on the face of the Act it shows that it is not for revenue purposes?

*Mr. Davie.*—Yes, my Lord, and the distinction is drawn in *Cooley's Constitutional Limitations*, page 245, in a note.

*Gwynne, J.*—They do not raise it for any Dominion purpose; they say the balance shall go to the Provinces.



*Henry, J.*—Mr. Davie's argument is that they could only raise it for Dominion purposes.

*Mr. Davie*—They are wrong, in any event, because they raise it for police purposes.

*Gwynne, J.*—It shows that it is not raised under any revenue power.

*Mr. Davie.*—Yes, my Lord, and not for any Dominion purpose. It is not a revenue Act, and therefore what they have attempted here—

*Henry, J.*—They raise the money—what for? For Dominion purposes.

*Mr. Davie.*—Therefore, what they have attempted here is virtually the assumption of the rights of the Provinces to raise money by way of license fees. For instance, at page 245 of Cooley's Constitutional Limitations we find the following language:—

"Fees which are imposed under the inspection laws of the State are akin to license fees, and if exacted, not for revenue but to meet the expenses of regulation, are to be referred to the police power."

I wish briefly to touch upon the point of concurrent legislation. I do not propose to detain your Lordships with its discussion for any length of time, because it has been pretty well exhausted. I wish to refer to one or two authorities on the subject, because it does seem to me, when once you ascertain in which domain the subject matter of legislation is, then the power of legislation is exclusively within the domain to which it is attached, and there can be no such thing as concurrent legislation.

*Henry, J.*—Concurrent legislation, in the United States, arose from the reserve power and the modification of that in the constitution by the general powers of Congress, and it differs in that particular from the constitution of this country, inasmuch as there are no reserve powers in ours. The ground was apparently cleared in this country and everything was built up by the Confederation Act.

*Mr. Davie.*—It is well, if I may humbly say so, to draw one's attention to the subject of concurrent legislation, because it is put in Hodge and the Queen in this manner: that for one aspect and for one purpose the authority may remain with the Dominion, and in another aspect and for a different purpose the authority may be with the Province. However that may be, the scope and aspect of the legislation under discussion are the same, with this difference: the Dominion seeks to have it spread throughout the Dominion.

*Gwynne, J.*—It strikes me that that observation is directed expressly towards construing the words "trade and commerce" in section 91. It says, although it is made apparently to come under trade and commerce, yet you have to look at the other portions of the Act to see whether that is the true construction of the words.

*Mr. Davie.*—In reference to this concurrent legislation, in the Citizen's against Parsons, 4 Canada Superior Court Reports, page 294, his Lordship Judge Taschereau, says:—

"It must be admitted that under the British North America Act there can be no concurrent jurisdiction in the matter between the federal and local legislative authorities."

And at page 310, the same learned judge says: "The Federal Parliament cannot extend its own jurisdiction by a territorial extension of its laws and legislate on subjects constitutionally provincial, by enacting them for the whole Dominion, as a Provincial Legislature cannot extend its jurisdiction over matters constitutionally federal by a territorial limitation of its laws and legislate on matters left to the federal power by enacting them for the Province only—as, for instance, incorporate a bank for the Province."

There is also another case, *Leprohon vs. the City of Ottawa*, page 547. Justice Burton, in contrasting the administrative and legislative powers of the Dominion Parliament with those of the Local Legislatures, uses this language: "Within their respective limits each is uncontrolled by the other," and in the original report those words are italicised, and therefore I say that concurrent legislation cannot exist when you ascertain within which jurisdiction the right of legislation belongs.

*Gwynne, J.*—Unless where it is specially provided for.

*Strong, J.*—The exercise, for instance, of a legislative power by the Provinces would, so long as the Dominion did not legislate, be no invasion of a Dominion power of legislation, but so soon as the Dominion exercises it incidentally, though not directly, it would clash with the power conferred upon the Dominion, more particularly with reference to this question of trade and commerce. I do not see that we are embarrassed much with that at present.

*Mr. Davie.*—With reference to the imposition of these license fees in the different sections to which I allude, I say that, inasmuch as they are not for the purpose of raising money, it is not a revenue Act at all, but they are imposed by the Act in pursuance of what we term police power. The question of the right of the Dominion Government under section 91 to raise money by any system of taxation does not arise. I pointed out an authority for that in Cooley's Constitutional Limitations, at page 245 of the 5th edition. It is as follows, in the note:—

“Fees which are imposed under the inspection laws of the State are akin to license fees, and if exacted, not for revenue, but to meet the expenses of regulation, are to be referred to the police power.”

*Strong, J.*—What shows, of course, that this is not for revenue purposes, is that the surplus is to be paid over to the municipalities.

*Mr. Blake.*—The Dominion is wet-nursing the Provinces by collecting money for them.

*Mr. Davie.*—It is not for purposes of revenue. I now come to Russell against the Queen and Hodge against the Queen. It appears to be generally considered that Russell against the Queen goes to this extent, that it recognizes the exclusive right of the Dominion Parliament to legislate in respect to absolute prohibition. I will state presently why I do not consider that decision goes to that extent; but assuming for the present argument, that it does, it seems to me that the following case of Hodge and the Queen is utterly inconsistent with Russell against the Queen, because the principle of prohibition is just as much in Hodge against the Queen as in the other; it is true it is in a different manner and degree, but it is a mere matter of degree. It occurs in this way, you can say, under the authorities of Hodge against the Queen, that the Provinces may declare that you shall not sell liquor at all, except in houses of public entertainment. You can go further than that, and limit the number of licenses; and if you can limit the number you can limit them so as to be practical prohibition.

*Strong, J.*—You can say they shall not sell more than two glasses.

*Henry, J.*—And shall levy such a tax that nobody will take out a license.

*Mr. Davie.*—Therefore, if the true view of Russell and the Queen is that it recognized the exclusive right of the Dominion Parliament to pass prohibitory laws there are two conflicting decisions of the Privy Council. Your Lordships would be in this unfortunate position, that while you could not overrule either, you could not follow both; you would have to follow one, and that would be the last.

*Ritchie, C. J.*—Our first duty is to reconcile them, if we can.

*Strong, J.*—I do not know that we are obliged to do that. We can take the last decision and say any preceding decision with which that conflicts we cannot accept.

*Ritchie, C. J.*—I understand it is contended that Russell and the Queen and Hodge and the Queen are consistent?

*Mr. Davie.*—I wish to say this, with reference to the case of Russell and the Queen: with all respect, I hardly think it goes to the extent of saying that the Dominion Parliament has the exclusive right of prohibition. At all events, the effect of the Canada Temperance Act of 1878 is not so, because, after all, what does the Canada Temperance Act recognize? It recognizes the right of local self-government.

*Strong, J.*—Local option.

*Mr. Davie.*—Who, after all, would complain of a statute that practically confirmed the right of self-government, instead of denying it? And looking at it from that point of view, Russell and the Queen, instead of saying the exclusive right of prohibiting rests with the Dominion, says that it rests with the localities.



*Ritchie, C. J.*—Are you not destroying the other part of your own argument? I understand your present proposition that it is giving local jurisdiction and power, but if they had not the power to give it, they could not—

*Mr. Davie.*—What I intended to say was the effect of the legislation was to give local prohibition. Whatever the source of that local option might be, the effect of it was what the Provinces are all contending for.

*Strong, J.*—It is to be regulated by the law, not made by delegated municipal representatives, but made directly by the people voting themselves; made, as in the New England States, in town meetings, where there is no representation at all. It seems to me to be rather an anomaly that where the municipal bodies and local governments, with large powers, draw their authority from the Provinces, the local authorities, that is, the people themselves, organized for the purpose of this local option, should have to take their authority from the Dominion.

*Mr. Davie.*—If not against the expressed opinions of all your Lordships on the bench, it is against the expressed opinion, I believe, of the majority, when I humbly ventured to submit that the right of prohibition does not rest with the Dominion, and for this reason—

*Ritchie, C. J.*—Would you advise us to overrule the decision of the Privy Council in the case of Russell and the Queen?

*Henry, J.*—They have done it themselves.

*Strong, J.*—It is very important for you, and I think it is quite open for you to say that while the decision of Russell and the Queen may be properly referred to as a decision under the head of trade and commerce, it is impossible, in Hodge and the Queen, to refer it to the ground on which they put it.

*Mr. Davie.*—Because the power to make laws for the peace, order and good government of the country is not an unlimited one; it is a limited one.

*Strong, J.*—It is quite consistent with the position taken by this court, that prohibition is such an interference with trade and commerce that it falls within the jurisdiction of the Dominion. There is nothing like prohibition here, and this, consequently, is a matter of mere police power.

*Mr. Davie.*—I would like to put one point about prohibition, and say why I humbly conceive that power does not rest with the Dominion. It is claimed that it rests with the Dominion by virtue of their right to regulate trade and commerce. Now, it is a contradiction of terms; the regulation of trade and commerce is a power granted for the improvement and for the promotion of trade and commerce; but if the liquor traffic be annihilated (and that is a branch of trade and commerce) how can the Dominion assume to regulate it when they annihilate and stamp it out? It seems to me they are two different things—regulation is distinct from prohibition.

*Gwynne, J.*—If it is trade and commerce, what right have the Local Legislature to absolutely annihilate it by prohibition?

*Mr. Davie.*—I say the Dominion Parliament assume the right, on the ground that it is trade and commerce.

*Gwynne, J.*—Then the Local Legislature could not prohibit it?

*Mr. Davie.*—No, my Lord; if it be trade and commerce the Local Legislature could not, but the Dominion Parliament's assumption to deal with the matter of prohibition rests upon the idea that it is trade and commerce, or rather that it comes within the class of trade and commerce.

*Strong, J.*—I was struck with the passage from Cooley, which is a fair summary of the American license cases. They say there that the exercise of the police power must not disturb trade and commerce, that is, foreign trade, which, under their system, is relegated to the general Government. Here all trade, foreign as well as internal, is allotted to the Dominion, therefore no prohibition Act of the Provinces ought to interfere with that.

*Ritchie, C. J.*—The Dominion Government may impose a duty on wines and spirits coming into this country, and they can only allow them to come in for purposes of trade and commerce, but when the foreigner comes with a load of brandy or

wines he finds himself met with the regulations of the municipality, where he cannot sell his cargo—

*Gwynne, J.*—So that the Provinces, by uniting, may cut off the revenue of the Dominion.

*Strong, J.*—The people in the Provinces are the same as the people in the Dominion.

*Mr. Davie.*—I, myself, as head of a family, can prevent the use of liquor in my house. The aggregate of families in the same locality have the same right, and thus a number of families, by uniting, can stamp out the liquor traffic in that locality even though they do not trench upon trade and commerce. It is so recognized in the United States—that they have the right to stamp it out.

*Strong, J.*—If the prohibition was so strong as to prevent the sale by tavern keepers, I could understand it, but the local option Act interferes with the retail trade.

*Henry, J.*—In dealing with this question of Fredericton and the Queen, I denied that the Dominion Parliament had the right to pass that Act, on the ground that it did interfere with one of the powers given to the Local Legislature for the purpose of revenue, and had the effect of destroying that portion of the grant of power that is conferred by the Confederation Act, and I do not see that it settles the question to say that because the Local Legislature had not the power, that therefore the Dominion has it, when we find in the Confederation Act something that prohibits the Dominion Parliament from dealing with that subject, also, as well as the local from dealing with it.

*Mr. Davie.*—Now, in order to induce your Lordships to follow Hodge and the Queen instead of Russell and the Queen, I will call your attention to the way in which the provincial aspect of the question was sacrificed in the argument in the Russell case.

*Gwynne, J.*—Sacrifice?

*Mr. Davie.*—Yes, my Lord, sacrifice—given away, in fact. If your Lordship will look at page 840 of the authorized report of Russell and the Queen, you will find this, that their Lordships stated as follows:—

“It was not, of course, contended for the appellant that the Legislature of New Brunswick could have passed the Act in question, which embraces in its enactment all the Provinces; nor was it denied, with respect to this last contention, that the Parliament of Canada might have passed an Act of the nature of that under discussion, to take effect at the same time throughout the whole Dominion.”

If they admitted that, why did they go there at all to argue? It seems to me they might just as well not have argued the question at all, because they admitted it.

*Strong, J.*—That is admitting that Parliament can exercise any provincial power of legislation by generalizing it. It is a strange thing if we have to go three thousand miles across the water to have that kind of construction; surely that is not in the judgment?

*Mr. Davie.*—Yes, my Lord; I have just read it from the judgment.

*Mr. Bethune.*—If it had been an absolute prohibition of the liquor traffic instead of local option—

*Henry, J.*—That was in answer to the ground that was taken of the want of power of delegation to the local authority, and it seems to have been admitted in the argument that the Parliament of Canada could have done it itself, but could not delegate the power.

*Gwynne, J.*—They went into the whole of Fredericton and the Queen, in which every point was raised.

*Henry, J.*—If that was admitted, then the only question for the Privy Council to settle was, had the Dominion Parliament the power to delegate it to the local authorities—the option. That seems to me to be the only question to be settled.

*Mr. Davie.*—Now, that the power of legislating by generalizing was the idea dominating the minds of the Privy Council in Russell and the Queen—



*Ritchie, C. J.*—By section 92 the Local Governments have the incorporations of companies with provincial objects. I understood that the Privy Council held if the local objects were extended over the whole Dominion they have the right to legislate, though the subject matter that was dealt with by the corporation was purely local, and was property within the Dominion, though the corporation itself could only deal with the property in the individual Provinces according to the laws of those Provinces. Therefore, by grouping the Provinces all together they did what they could not have done if they had taken only individual Provinces.

*Strong, J.*—What his Lordship shows is this: it is quite clear that the Dominion Parliament would not have the power of creating that corporation restricted to a single Province, and yet they assume to have the power when they group all the Provinces together—by generalising the power given to the Local Legislatures, Parliament could do what would have been an infringement upon the powers of the Local Legislatures if it had been done with one Province.

*Ritchie, C. J.*—Real estate is clearly within the purview of the Local Legislatures, but you see by this decision the Dominion is enabled to grasp all that, because all they have to do is to make their laws applicable to the whole Dominion, if I understand rightly the decision, and then they have jurisdiction.

*Henry, J.*—Merely to give corporative powers.

*Mr. Irving.*—An Act of the Dominion Parliament was corporally to incorporate to do business from one end of the Dominion to the other, but when they went to any particular Province they must then range themselves under the law of that particular Province.

*Strong, J.*—The Dominion merely creates the person, and when he wishes to do business he is subject to the provincial regulations. What his Lordship says is this: It is quite clear that the Dominion Parliament would not have power to create a corporation when restricted to one Province, yet they assume the power to do so by generalizing the power given to the Provincial Legislatures.

*Mr. Davie.*—That that was the idea dominating the minds of the Privy Council in Russell and the Queen is expressed, not only in the decision, but is expressed in the shorthand notes of the argument of Hodge and the Queen. At pages 20 and 21 of Sessional Paper 30, in *Hodge vs. The Queen*, you will find these two passages:—

“*Sir Robert Collier.*—This was an Act to promote temperance in the Dominion and to provide, by uniform legislation, for all the Provinces. Clearly, an Act dealing with all the Provinces in the Dominion is not within the power of the Local Legislature, but this Act only deals with the particular locality.”

Then again, when Mr. Kerr goes on to speak about *Russell vs. The Queen* and the Canada Temperance Act, Sir Robert Collier again interposes:—

“That was an Act applying to the whole Dominion.

“*Mr. Kerr.*—That Act applied to the whole Dominion.

“*Sir Robert Collier.*—And of course it could not be passed by the Provincial Legislature.”

The idea they appeared to have was that the Dominion, by extending its legislation throughout all the Provinces, obtained authority. That brings me to near the conclusion of what I have to say.

Referring to wholesale as well as retail business, I say this, as far as concerns matters of police, the one, that is to say, the wholesale business, is as much within the control of the Provincial Legislatures as the retail, and it is very remarkable how very little of the Dominion License Act of 1883 pertains to the wholesale trade at all. There is very little about it, except the obtaining of the license. But one can see why the provincial authorities, as a matter of police, should have control of the wholesale as well as the retail. For instance, it is as dangerous to have a minor of sixteen years of age purchase two gallons of whiskey as get a glass of ale.

*Strong, J.*—Taking the American license cases as a guide, could it be competent for the Provincial Legislatures to say that there shall be no trade or commerce in liquors?

*Mr. Davie.*—I do not know that they can go to the extent of saying it shall not be imported.

*Mr. Bethune.*—The mischief might be done if it were imported.

*Mr. Davie.*—The conflict between what might be considered trade and commerce in liquors and the desire on the part of the people in the locality not to have brought in their locality what they deem to be a sort of poison. I have the authority of the Privy Council for saying (in Russell and the Queen) that they thought the Dominion considered intoxicating liquor was analogous to poison.

*Ritchie, C. J.*—There are many things that are poison to some persons that are articles of traffic. There are some who cannot take coffee or tea. Green tea, to me is just simply poison; I cannot sleep after it; I could not do my work after it; yet I have seen some people who could take it without injury.

*Henry, J.*—Some people cannot do it without they get the antidote.

*Ritchie, C. J.*—Could the Provinces say there shall be no tea used? I think it is an embarrassment of the present case to attempt to interfere with a question which I think, has been decided by the Privy Council, with reference to prohibition, because I do not think prohibition is involved.

*Henry, J.*—I do not think it is necessarily involved at all.

*Mr. Davie.*—I drew the illustration from page 838 of Russell vs. The Queen where their Lordships used this language:—

“Next, their Lordships cannot think that the Temperance Act in question properly belongs to the class of subjects ‘property and civil rights.’ It has, in its legal aspect, an obvious and close similarity to laws which place restrictions on the sale or custody of poisonous drugs, or of dangerously explosive subjects.”

*Ritchie, C. J.*—Those are things which have been under municipal control, as mentioned yesterday.

*Mr. Blake.*—It just shows the absence of knowledge in England properly to construe the Act.

*Strong, J.*—They do not know the surrounding circumstances.

*Ritchie, C. J.*—It is very proper that the municipality should, with reference to a particular character of buildings and wharves, to the particular situation of shipping, &c., say that explosives should not be stored within a certain distance of such places; but that does not at all involve the question whether the articles shall be imported into the Province, or the extent to which they may be used.

*Strong, J.*—The expressions of the Privy Council increase the difficulty of construing the Act; because, first, we have to construe the Act, and then we have to construe the judgments of the Privy Council.

*Mr. Davie.*—With regard to the second question asked your Lordships—“If the court is of opinion that a part or parts only of the said Acts are within the legislative authority of the Parliament of Canada, what part or parts of the said Acts are so within such legislative authority?”—I beg to say the whole scope of the question is the assumption by the Dominion Parliament of the right to regulate the liquor traffic in matters of municipal government. Considering the wide scope of the legislation, I say there is no provision of the statute which, if standing alone, might be within their powers which can now be considered to be within the competence of Parliament.

*Henry, J.*—Another important question connected with their power is railways. Local railways within the Provinces, and legislation upon them, are given to the Provinces. Could the Dominion Parliament come in and pass regulations which would make these local works?

*Ritchie, C. J.*—They have taken all the local railways, I believe, out of the Provinces.

*Henry, J.*—Oh, no; only a certain number.

*Mr. Bethune.*—Every one of them, last Session.

*Mr. Burbidge.*—There are one or two local railways not affected by the legislation. The St. John and Maine is not affected yet. All that connect with or touch the main line are affected.



*Mr. Johnson.*—There are three or four in Ontario, small local lines, which do not touch the main lines, that are not affected.

*Mr. Davie.*—I was referring to the second question referred to your Lordships, and observing that the whole scope of the legislation under discussion is the assumption by the Dominion Parliament of the right to regulate the liquor traffic in matters of municipal government; and I say it is hard to dissociate from that object provisions which, if standing alone and not enacted in furtherance of the avowed purpose, would admittedly be within the powers of the Dominion Parliament. As regards that particular clause relating to the adulteration of liquor, there is apparently a curious mistake about that.

*Strong, J.*—The only two points are the criminal law and the wholesale license.

*Mr. Bethune.*—It would not be desirable, in the interests of the Dominion, to retain those provisions if the rest of the Act was swept away.

*Strong, J.*—The wording is such as to confine these fines to breaches of the licenses to be granted under this Act, and not breaches of licenses not granted by the Dominion.

*Mr. Davie.*—They all come within class 15 of section 92. With reference to the clauses in the Liquor License Act, relating to adulteration, section 30 of the Adulteration of Foods and Drugs Act, that is to say, 47 Vic., chap. 34, is as follows:—"Sub-section 1 of section 79, of the Liquor License Act of 1883, is repealed." It is very curious that there is no such thing as a sub-section 1. There is only sub-section 2.

I beg leave to hand in a factum which, to some extent, covers the ground I wished to go over, but I would ask your Lordships to read it in the light of the observations which I have had the honor to address to you, especially that portion which refers to the English statutes, because I have pointed out only some of them.

The Court adjourned until to-morrow.

FRIDAY, 26th September, 1884.

*Mr. Bethune.*—In discussing this matter I think we have to put aside all such cases as *Severn* and the *Queen*, because that was simply a question of the power to tax; nothing else was involved there, and except in so far as the dicta of the learned judges may afford light and instructions, *Severn* and the *Queen* I propose to put aside. Sub-section 9, also, of section 92, may be put aside, because there is a consensus of opinion upon all sides that sub-section 9 only relates to the taxing power. It enables the Provincial Legislatures to deal with this matter solely for the purpose of raising a revenue. That being so, there is no specific enumeration in section 92 which, in terms, covers this question, and my learned friends have been driven to argue that by implication it has passed into the term "municipal institutions." I propose, for the present, to ask your Lordships' considerations to section 91 and the sub-sections, which I think important as bearing on that, and having endeavored to lead your Lordships to a particular conclusion as to section 91, I shall then deal with the question of municipal institutions after I have dealt with the other questions.

I suppose there is no manner of doubt that the Confederation Act of 1867 was modelled, to some extent, upon the American constitution. I was endeavoring a moment ago to recall the instances of Confederation at the time that Act was passed, and in Europe, as far as I know, the only Confederation which existed outside of the Zollverein, which was commercial, was the Swiss Confederation.

*Strong, J.*—There is no analogy at all between the Swiss Confederation and the Dominion.

*Mr. Bethune.*—No, my Lord.

*Strong, J.*—I think the Swiss Confederation is like the American, that is to say, it is composed of the States and a general Government, but then that is as recent as the constitution of the 29th of May, 1874.

*Mr. Bethune.*—But there was a Confederated Union at an earlier date than that. The Swiss Cantons have existed under an agreement between themselves for a considerable period of time.

*Strong, J.*—It is more like the old Confederation of the United States.

*Mr. Bethune.*—Then, on this continent there were the South American Republics, with which we have no acquaintance. Of course there was the great Republic of the United States on the North American continent; and I take it that it was, so far as the Federal principle is concerned, with a view to that we find reference made to section 91.

*Strong, J.*—It is the only example afforded in the history of the world of government of this kind.

*Mr. Bethune.*—It is impossible to read section 91 and the enumerations which are there in the light of the decisions under the American constitution without seeing that the persons who framed that had become familiar with the legal and judicial decisions of the courts in the exercise of their constitution down to the particular period; and we get, therefore, in the introductory part of the Act itself, reference to the term "federal union," with a constitution similar in principle to that of the United Kingdom—of course there was nothing federal in that sense in the United Kingdom. The reference, however, is engrafting, as it were, upon the federal system, so far as they were applicable to that system, the general principle applicable to the English constitution.

*Strong, J.*—That means parliamentary government.

*Mr. Bethune.*—No doubt parliamentary government, representative government and responsible government, which was intended to be applied as well to the Provinces as to the Dominion. We find, then, that the general scheme of that Government was (amongst other things) to leave to the central Government just what was naturally would expect to find left to them, the larger questions, and perhaps amongst the most important question with which this Confederation would have to deal, was which our people would have to deal, was the trade question. Now, as your Lordships know, and I have pointed out during this discussion, the words which occur in the American constitution are "regulation of commerce between the States with foreign nations and with the Indian tribes." The words which occur in our constitution are "the regulation of trade and commerce." And I take it that there was purpose in using the word "trade," because the word "trade" was not necessary to be used in connection with the American constitution, the word trade relating entirely to internal trade, which was not given, in fact, to the American Congress. And I take it that the word "trade" was supplied with the very purpose of enabling the Dominion Parliament to deal with all kinds of trade, internal trade as well as foreign trade. There was to be no such thing recognized, I take it, in the constitution, as mere interprovincial trade, because your Lordships remember the clause which expressly provides that articles the growth, or produce, or manufacture of any one of the Provinces, shall, after the Union, be admitted free; and I take it that was to be a provision for [all time, into all the other Provinces; so I ask your Lordships to see, and to act upon it in arriving at a conclusion, enabling your Lordships to answer the questions put here, that the words "regulation of trade and commerce" had relation to all trade, external as well as internal; and that that word "trade" was supplied advisedly. Now, one of your Lordships has had occasion to pronounce upon this question before coming to this court. I refer to what your Lordship the Chief Justice said in the case of the Queen vs. The Justices of King's, page 502, 2 Cartwright, and particularly at page 505, where his Lordship points out that particular effect must be given to both words. His Lordship there points out, at page 505, that the effect must be given to both words. That it could not be assumed that the Legislature used a redundant word, or a word which was unnecessary. "To the Dominion Parliament," his Lordship says, "is given the power to legislate exclusively on the regulation of trade and commerce, and the power of raising money by any mode or system of taxation. The regulation of trade and commerce must involve full power over the matter to be regulated, and must necessarily exclude the interference of other bodies that would attempt to intermeddle with the same thing. The power thus given to the Dominion Parliament is general, without limitation or restriction, and therefore must include traffic in articles of merchandise, not only in connection



with foreign countries, but also that which is internal between different Provinces of the Dominion, as well as that which is carried on within the limits of an individual Province.

"As a matter of trade and commerce the right to sell is inseparably connected with the law permitting importation. If, then, the Dominion Parliament authorizes the importation of any article of merchandise into the Dominion, and places no restriction on its being dealt with in the due course of trade and commerce, or on its consumption, but exacts and receives duties thereon on such importation, it would be in direct conflict with such legislation and with the right to raise money by any mode or system of taxation, if the Local Legislature of the Province into which the article was so legally imported, and on which a revenue was sought to be raised, could so legislate as to prohibit its being bought and sold, and to prevent trade or traffic therein, and thus destroy its commercial value, and with it all trade and commerce in the article so prohibited, and thus render it practically valueless as an article of commerce on which a revenue could be levied."

Then, on page 506, he points out the distinction to which I have adverted between the constitution of the United States and our constitution.

*Ritchie, C. J.*—It is proper to observe that in that I carefully guarded myself against this very question. I said it was a question of prohibition, and the question now before us is not exactly the same.

*Mr. Bethune.*—Yes, my Lord; further on you say you do not present this principle, seeing they have the power—

*Ritchie, C. J.*—I consider that the question of prohibition and the question now before us are not exactly the same.

*Mr. Bethune.*—Just as the Privy Council say, the words themselves in their unrestrictive sense, are wide enough to extend what we say. I do not mean to say that this had committed your Lordship to any particular view; on the contrary, your Lordship does not—

*Ritchie, C. J.*—I dealt with the subject on the belief that this question would sooner or later arise.

*Mr. Bethune.*—And your Lordship was careful not to put yourself in a position to announce a verdict upon it. In the Parsons case [the Privy Council expressly say that they refuse—as reported in 1 Cartwright, page 278—they expressly refuse to place a limit upon the meaning of these words. They say:—

"Construing, therefore, the words 'regulation of trade and commerce,' by the various aids to their interpretation above suggested, they would include political arrangements in regard to trade requiring the sanction of Parliament, regulation of trade in matters of interprovincial concern; and it may be that they would include general regulation of trade affecting the whole Dominion. Their Lordships abstain, on the present occasion, from any attempt to define the limits of the authority of the Dominion Parliament in this direction."

So that their Lordships were impressed there, as anybody must be impressed who comes to look at the whole subject, with the difficulty of restricting these very large and important words.

*Strong, J.*—I do not understand the words "trade and commerce" mean mere buying and selling. An operation of trade is something more than buying and selling again. It means this, buying goods and carrying goods, bringing goods from foreign countries, or bringing goods from the places where they are manufactured. No doubt that is the true import of both these words.

*Mr. Bethune.*—I take it, with submission, while they mean that they mean a great deal more.

*Strong, J.*—They mean buying and selling, but they mean something more. Just as I said yesterday, no one ever heard, in England, where the English language is used more carefully than it is here, a retail dealer called a merchant.

*Mr. Bethune.*—All I can say is, that McCullough, in his book dealing with matters of commerce, includes the retail dealer—in his dictionary of commerce—

*Strong, J.*—"Trade and commerce" means commercial trade.

*Mr. Bethune.*—I submit it means more than that; that the word "trade" was advisedly used so as to cover what is absent in the United States Constitution, namely, the dealing with internal trade. I think there can be very little doubt that, whatever the word means.

*Strong, J.*—I have said in that judgment in *Severn* and the *Queen* that I considered it does apply to internal trade. No doubt about it; but then, trade and commerce must be trade in the larger sense, and not mere retail dealing.

*Mr. Bethune.*—I submit there can be no distinction drawn between wholesale and retail.

*Ritchie, C. J.*—The question narrows itself down to this—are the regulations which the Dominion Government have undertaken to enact regulations of trade and commerce, or subordinate regulations, which are understood as police regulation which are the subject, not of general legislation, but the subject of municipal control.

*Mr. Bethune.*—I was addressing myself to the consideration of the question both lights.

*Henry, J.*—And in which it may fairly be considered the whole Dominion would participate.

*Ritchie, C. J.*—The remarks of Brother Strong yesterday were, I consider, most apposite and forcible, as separating the question of prohibition entirely from that of police regulation, and that is this: could the Local Legislature enact a law saying "from the time of the passing of this Act there shall be no trade or commerce in spirituous, vinous or fermented liquors within the Province of Nova Scotia, or within the Province of Ontario, as the case may be."

*Mr. Bethune.*—I understand that is covered by a judicial decision.

*Ritchie, C. J.*—They think that it is material to this case to get rid of that view. Could anybody say that such a provision as that would not be an interference with trade and commerce? The power to regulate trade or commerce does not amount to prohibition in this matter; if it does, then it is in the Dominion.

*Henry, J.*—Then comes a very important question: Does the power to regulate trade and commerce authorize a total prohibition of it? That is another important consideration. If you send a man to market to sell a pair of horses, you do not authorize him to kill them.

*Mr. Bethune.*—McCulloch, in his *Dictionary of Commerce*, the last edition, 1881, at page 392, deals with the question under the title of commerce. He divides it into four chapters:—1st. The Origin of Commerce—mercantile classes; 2nd. Home Trade; 3rd. Foreign Trade, and 4th. Restrictions on Commerce. Under the head of classes dealing in commerce, he says:—

"The mercantile class has generally been divided into two subordinate classes—the wholesale dealers and the retail dealers. The former purchased the various products of art and industry in the places where they are produced, or are less valuable, and carried them to those where they are more valuable, or where they are more in demand; and the latter, having purchased the commodities of the wholesale dealers, or the producers, collect them in shops, and sell them in such quantities as at such times as may best suit the public demand. These classes of dealers are all useful; and the separation that has been effected between their employments is one of the most advantageous divisions of labor. The operations of the wholesale merchants are analogous to those of the miner. Neither the one nor the other makes any change on the bodies which he carries from place to place. All the difference between them consists in this: that the miner carries them from the low ground to the surface of the earth, while the merchant carries them from one point to another on its surface. Hence it follows that the value given to commodities by the operation of the wholesale merchant may frequently exceed that given to them by the producer."

Then he points out that one is necessary to the other, page 393:—

"If the wholesale merchant were himself to retail the goods he has brought from different places he would require a proportional increase of capital; and it would be impossible for him to give that exclusive attention to any department of the business which is indispensable to its being carried on in the best manner. It is for the



terest of each dealer, as of each workman, to confine himself to some one business. y this means each trade is better understood, better cultivated, and carried on in e cheapest possible manner; but whether carried on by a separate class of individuals or not, it is obvious that the retailing of commodities is indispensable. It is t enough that a cargo of tea should be imported from China, or a cargo of sugar om Jamaica. Most individuals have some demand for these articles; but there is t, perhaps, a single private person, even in London, requiring so large a supply for s own consumption. It is clear, therefore, that they must be retailed; that is, ey must be sold in such quantities and at such times as may be most suitable for l classes of consumers. And since it is admitted on all hands that this necessary iness will be best conducted by a class of traders distinct from the wholesale alers, it is impossible to doubt that their employment is equally conducive as that the others to the public interest, or that it tends equally to augment national ealth and comfort."

Then follows an article on the home trade, divided from the foreign trade. The hole article is very instructive, in reference to the sense in which, at all events, the mercantile classes are in the habit of looking at these words "trade and commerce." hen, all the dictionaries I have looked at—all the more recent dictionaries—under e head of "commerce" give the word "trade" as one of its meanings, and the ord "trade," including wholesale and retail dealing—Worcester, Webster, the Impe- al Dictionary—I think every dictionary I have looked at. They are too numerous d too large to bring them down here, but I have not looked at a single dictionary hich the word "commerce" has not been said to include any trade, retail as well wholesale.

Then, when one looks at it, it is quite apparent that the wholesale trade could not properly carried on—the wholesale trade, whether you include in that the importa- on of goods from abroad, or whether you include in that the production of goods on a rge scale on the part of the manufacturers—the great means of output of their oducts is the retail trade. As applied to the circumstances of our country here, ould be quite impossible, so far as the internal trade is concerned, that they could s- pose of their goods which they have imported, on which they have paid their duties, d for which the consideration for the payment of duty is the right to dispose of eir goods—and as I shall point out, in a case in the Supreme Court of the United ates, it is impossible that you could satisfactorily dispose of the wholesale trade ithout having control of the retail trade.

Now, did Parliament intend to divide its jurisdiction in these matters—that there ould be control of the wholesale trade on the part of the Dominion authorities and t a control, to any extent, so far as the retail trade is concerned? If there were e a divided jurisdiction on that point, it seems to me that trade might easily be alysed. I am dealing with the matter now apart altogether from any implication hich arises under the municipal institutions. If this thing were presented to one der the term "regulation of trade and commerce," could anyone doubt that Par- ament intended, by the use of these words, that there should be an undivided control at the same power which controlled the wholesale trade should also control the ail trade?

*Strong, J.*—Putting aside revenue, that is, excise duties, what legislative regula- ons does internal trade—not imported trade or the import trade—call for? What gislation beyond the police power?

*Mr. Bethune.*—I can hardly say.

*Strong, J.*—What instances are there of any legislative interference—always tting aside fiscal measures—what instances are there of legislative interference th internal trade, except the exercise of police regulations?

*Mr. Bethune.*—I am not at present aware of any.

*Ritchie, C. J.*—Does not your argument lead to this—that the Imperial Parlia- ent, in passing the British North America Act, intended to abolish everything like olice regulations?

*Mr. Bethune.*—I want to keep the two arguments separate; I will take up the police power afterwards. What I am dealing with is *primâ facie* the meaning of trade and commerce extends to wholesale as well as retail trade. I use the word "retail" in its general terms, and I point out to your Lordships what, it seems to me is beside the question, there was not intended to be any power of restriction, because we know there are restrictions of trade. This very article I have referred to points out very forcibly how Parliament can place restrictions on trade, or stimulate it—may interhelp or hinder it. It may be desirable to stimulate one branch of trade or to restrain another branch of trade in the interests of the public; and so, it seems to me, the Imperial Parliament did intend that the whole power over trade, retail as well as wholesale, should be exercised by the one jurisdiction—that it was not intended that there should be a divided jurisdiction. I cannot say now, nor can any one look forward and say that a time shall not arrive in the history of this country when it may be necessary for internal trade that legislative interference should take place. It is quite impossible for anyone to say that that may not happen; that there may be a desire on the part of Parliament to foster one branch of trade and perhaps to place a restriction on another branch of trade. That has happened in the past, though not so much with regard to internal trade (though instances of the kind have happened in England) as with the foreign trade.

*Ritchie, C. J.*—That does not come under police regulations.

*Mr. Bethune.*—What I want to get fairly before your Lordships' mind is what would be the fair meaning of those words "regulations of trade and commerce." Would they not extend *primâ facie* to the regulation of the retail as well as of the wholesale trade? That is my point. I say that *primâ facie* they come within the word "trade." I think, if any person were reading a document of that kind, subject of course, to their being cut down by any provision which one would find in section 92 (as to which I shall come to deal later) I should say, beyond question, these words would have enabled Parliament, and do still enable Parliament, to deal with the regulation of the retail as well as of the wholesale trade.

Now, what does the word "regulation" mean? Of course, it is only one step in the course of the argument, but I desire to take them one following the other. What is the effect of the word "regulate"? Now, it is said by your Lordship in the passage I have already quoted, at page 505 at 2 Cartwright, in the case of the Justices of King's County, that these words know no bounds. In an early case, in which the word "regulate" came under the notice of the Supreme Court of the United States, *Gibbons vs. Ogden*, 9 Wheaton, page 196, that point is considered by the Supreme Court of the United States. This case involved the great question as to the monopoly of navigating the river Hudson and portions of the sea adjoining New York, which had been granted to Mr. Ogden and some other gentlemen associated with him. The case is first reported in Johnston's Report, in which an injunction was granted to restrain the running of a steamboat. The case was carried to Washington and argued by Webster and Everett, Oakley and the Attorney-General of the day of the United States, the ablest men of that day at the bar. The argument is reported fully and one cannot fail to see that the subject was, from both sides, exhausted. Among other things, they had to consider the meaning of this word "regulate," as it occurred in the constitution, and Chief Justice Marshall, at page 196, says:—

"We are now arrived at the enquiry—what is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the constitution."

Now, it at once occurs to one that unless this Parliament possessed this full power, this plenary, ample power over the particular subject, that it would be impossible for it to deal with the subject. That is what occurs at the very outset. Here the Imperial Parliament allows one Legislature to deal with the large subject of trade and commerce, and how could they exercise that regulating power unless they had entire control of the subject? It must have had entire control of the subject, as



submit, and must have been intended to have control of the subject in every detail; otherwise, it might be impotent to carry out its will. That seems, independent of authority, to occur to one—that the Imperial Parliament, in dealing with a question so large as trade and commerce, when it uses the word giving exclusive powers to make laws to regulate the trade and commerce, must have intended the whole trade and commerce to its minutest details, if Parliament saw fit to exercise it, to place under the control of that body; otherwise, there might at some future time arise—and this was a constitution made for all time—difficulties which would render it impossible for Parliament to do what it wished to do in the regulation of that important matter.

Therefore, I submit, with great confidence, it was intended to give Parliament the largest possible power, under this term “regulate,” to make all the laws which Parliament might think necessary to govern the particular subject, even down to its minutest details. Your Lordship will find, in the case of *Brown and Maryland*, at 12 Wheaton, page 446—

*Strong, J.*—That is the inspection laws?

*Mr. Bethune.*—That case brought up the question of the internal trade. The history of the case is shortly this: Brown had imported some goods into the State of Maryland. He claimed, having imported them into Maryland, the right to break bulk and sell without paying \$50 to the State of Maryland. The question arose: What were the limits, on the one side, of the State power to deal with internal commerce, and the right on the other, of Congress to deal with commerce in the United States? The result of the decision was this—a decision ever since acquiesced in—that once bulk was broken, that the importation of the article enabled the importer to sell without breaking packages and without paying any duty to the State, but the moment he broke the packages, so to speak, his goods were the State commerce, and he became subject to the State laws. At page 446 the learned Chief Justice uses this language:—

“What, then, is the just extent of a power to regulate commerce with foreign nations, and among the several States?”

“This question was considered in the case of *Gibbons vs. Ogden* (9 Wheat. 1), in which it was declared to be complete in itself, and to acknowledge other powers are prescribed by the constitution. The power is co-extensive with the subject in which it acts, and cannot be stopped at the external boundary of a State, but must enter its interior.

“We deem it unnecessary now to reason in support of these propositions. Their truth is proved by facts continually before our eyes, and was, we think, demonstrated, they could require demonstration, in the case already mentioned.

“If this power reaches the interior of a State, and may be there exercised, it must be capable of authorizing the sale of those articles which it introduces. Commerce is intercourse; one of its most ordinary ingredients is traffic. It is inconceivable that the power to authorize this traffic, when given in the most comprehensive terms, with the intent that its efficacy should be complete, should cease at the point when its continuance is indispensable to its value. To what purpose should the power to allow importation be given, unaccompanied with the power to authorize the sale of the thing imported? Sale is the object of importation, and is an essential ingredient of that intercourse, of which importation constitutes a part. It is as essential an ingredient, as indispensable to the existence of the entire thing, then, as importation itself. It must be considered as a component part of the power to regulate commerce. Congress has a right, not only to authorize importation, but to authorize the importer to sell.

“If this be admitted, and we think it cannot be denied, what can be the meaning of an Act of Congress which authorizes the importation and offers the privilege of sale, at a fixed price, to every person who chooses to become a purchaser? How is it to be construed, if an intent to deal honestly and fairly, an intent as wise as it is moral, is to enter into the construction? What can be the use of the contract, what does the importer purchase, if he does not purchase the privilege to sell?

"What would be the language of a foreign Government which should be informed that its merchants, after importing according to law, were forbidden to sell the merchandise imported? What answer would the United States give to the complaints and just reproaches to which such an extraordinary circumstance would expose them? No apology could be received or even offered. Such a state of things would break up commerce. It will not meet this argument to say that this state of things will never be produced; that the good sense of the State is a sufficient security against it. The constitution has not confided this subject to that good sense. It is placed elsewhere. The question is: Where does the power reside? not how far will it be probably abused. The power claimed by the State is, in its nature, in conflict with that given to Congress; and the greater or less extent in which it may be exercised does not enter into the enquiry concerning its existence.

"We think, then, that if the power to authorize a sale exists in Congress, the conclusion that the right to sell is connected with the law permitting importation is an inseparable incident is inevitable.

"If the principles we have stated be correct, the result to which they conduce cannot be mistaken. Any penalty inflicted on the importer for selling the article in his character of importer must be in opposition to the Act of Congress which authorizes importation. Any charge on the introduction and incorporation of the articles into and with the mass of property in the country must be hostile to the power given to Congress to regulate commerce, since an essential part of that regulation, and principal object of it, is to prescribe the regular means for accomplishing that introduction and incorporation."

He points out that until packages are broken the right to sell by wholesale is a right incident to his importation of these goods into the country. Now, as a matter of fact, we know that a great many of the retail dealers in this country import their goods direct. I do not know how far your Lordships can take judicial notice of occurrences in that way; but, as a matter of fact, in the city in which I live very many of the principal merchants import their goods direct.

*Henry, J.*—A great many are importers wholesale and retail.

*Mr. Bethune.*—I know a great many retail dealers who do import their goods and I am not able to see that there is any distinction between the various classes otherwise. The same principle which applies to the liquor dealer applies to a dealer in dry goods or hardware, or whatever the article of commerce may be. So the merchant who pays his duties and brings his articles of merchandise into this country acquires the same right to retail them, the Parliament having the control of the internal trade as well as of the external trade, that, under the United States system the importer had to wholesale his goods, because that, I understand, in the case of Brown and Maryland, was the point carried.

The effect of allowing the Local Legislatures to control or interfere with, or restrict that trade, except for purposes of taxation—of course, they have got that right, and we fully concede it—would be to place the subject of trade under two masters, and it is impossible to forecast what difficulties might arise if the Local Legislatures can, to any extent or in any way, except what may be necessary for local police, interfere with the regulation of our internal trade. See how absurd the point is that there should be a division; where are you to draw the line? What is to be a wholesale trade and what is to be a retail trade? Why, in one case to which I shall refer, that of the license, it was a single barrel of whiskey which was introduced in an unbroken package, yet it was held not to be mere retail. Take, for instance, the limit which has been drawn—I am not sufficiently familiar with the various regulations of the different Provinces or the mode of dealing with this question in each of the Provinces to speak positively on that subject—but the limit, as far as I remember it, in Ontario, between wholesale and retail trade, for shop license, was five gallons of liquor. Everything above five gallons was considered as being wholesale in its character.

*Henry, J.*—Not to be drunk on the premises.



*Mr. Bethune*—But under the old law no license was required—if I understand the distinction before Confederation—for quantities above five gallons. That was considered wholesale, and a man might sell any quantity exceeding that. I am not aware of the limits in the other Provinces, and therefore speak with some doubt of them.

*Henry, J.*—It was ten gallons in Nova Scotia.

*Mr. Bethune.*—But in two of the Provinces, New Brunswick and Nova Scotia, and I think also in Quebec, they purported to deal with the wholesale trade. Now, where is the line to be drawn? What are you going to call retail and what wholesale? I am now dealing with the question of regulation, apart from the police power, because I fail to see how, as a mere regulation of trade, it is to be possible for the Local Legislatures to deal with the subject—where are you to draw the line? Shall 100,000 gallons be said to be wholesale, or 100 barrels? Are you to fix fifteen gallons as the limit, or make ten gallons the limit? Looking at it as a question of trade, apart from the police power, you cannot draw the line and say that down to a certain quantity it is wholesale, and after you reach that limit all under it is retail. So our Constitutional Act, it seems to me, has not afforded us an opportunity of drawing the line.

While upon that subject, let me see now the positions taken by my learned friends. *Mr. Church*, on the one side, says: "I think" consistently with legal decision, because I understand, of course the legal decision to be as he submits it, "that the Local Legislatures have no control over the wholesale trade." My learned friends, with the exception of *Mr. Church*, claimed the control of the wholesale trade. If so, what becomes of the regulative power of the Dominion? They would, according to the contention of my learned friend *Mr. Blake*, and the others who agree with him—

*Strong, J.*—If it is wholesale trade it is a matter of trade and commerce; if selling directly to the consumer, then it becomes a matter of police regulation.

*Henry, J.*—Wholesale traders deal with other Provinces. For instance, Montreal traders export their goods to the Lower Provinces; there is commerce and trade. When it goes into the Province, where it is retailed by the yard, or by the pound, or by the ounce, that is local, and that is local consumption; but it is totally different in principle, and in the mode of carrying on commercial transactions from the other.

*Mr. Bethune.*—What I am dealing with now is the honest, *bonâ fide* regulation of trade. What I am pointing out is, that in one view *Mr. Blake*, and the other who agree with him, appear to be more logical than *Mr. Church*; because I do not see where a line can be drawn. I see nothing in the Constitutional Act which warrants you in so restricting trade—which warrants you in saying there is a distinction for the purpose of regulation between the wholesale and the retail trade, and I dare say my learned friends who take that view may be impressed with that difficulty.

*Gwynne, J.*—And which shall say, or who shall say, what is the wholesale and what is the retail trade.

*Mr. Blake.*—It may be necessary to define it.

*Mr. Bethune.*—Who is to define it? Is there anything in the Act to show that it is not defined in that way in the Act itself? The definition may be the whole extent to which the word "trade" goes. That is my difficulty, and it did seem to me that while my learned friends were arguing, and while *Mr. Church* had the weight of judicial authority, so far as it goes now, in saying that, at all events, to the extent of the wholesale trade, it was within the control of Parliament, yet my learned friends who take a different view were more logical, because they were driven to argue for control by the Local Legislatures of the wholesale as well as of the retail trade; because all the difficulty to which I have pointed is in fixing the limit as to where the one trade ended and the other began, to show where the line between the two is to be drawn. Then, I take it, too, the power extended as a mere trade regulation—I desire to keep it upon that basis, apart from police—would extend to the regulation of everything which might affect the trade—in fact, that the principal subject carried with the regulation of the incidents. I have endeavored to point out to your Lordships

now what is the effect of dealing with the wholesale trade unless they could also deal with what I call the feeders of that trade—what it must necessarily be upon the trade itself. It seems to me, therefore, that it is quite impossible to draw the line and stop and say that as to one branch of trade you can deal with it, and as to the other you cannot, dealing with it always in the light of regulation trade. Take for instance this: undoubtedly the importer, who has taken his goods, whatever they may be and placed them in his warehouse on one side of the street, so long as he keeps those goods there, with bulk unbroken, they are under the control of whatever laws Parliament may choose to make. The moment they cross the street, perhaps half of the whole quantity, how is it they have got out of the control of Parliament and a mere matter of regulation of trade? What is it, as a mere matter of the regulation of trade, that has changed its designation? Surely, if they were, at the time of importation, at the time of being placed, as it were, in the warehouse on the one side of the street, under the control of Parliament, there must be something which one can point to in the regulation of trade, or something in the constitution which, as a regulation of trade, should enable you to say that they had passed by the act of sale—

*Strong, J.*—What is the regulation to be? You speak of the word “regulation” generally; what sort of regulation is it to be? That they shall sell to particular people or not to particular people, or in certain quantities? What are those regulations, or with what view are those regulations to be imposed, except as a police power? Who ever heard of any legislation which regulated the buying and selling, except with the view either to the revenue or to the exercise of what is called police power?

*Mr. Bethune.*—It is possible that there is no experience in the past.

*Ritchie, C. J.*—From the origin of our country up to the time of Confederation we know that the Legislatures of the country did divide these matters, and that while the Legislatures attended to the regulation and control of commerce, they confided to the Sessions, and subsequently to the municipal institutions, this local control, by way of police regulations; as early as since the country was first organized, to the present time, that has been the case. Why should we anticipate in the future, or come to the conclusion that that which the British Parliament found has been going on so well, from the time the country was first organized up to the time of Confederation, should be changed?

*Strong, J.*—In all the movements of the English-speaking races, that has been the regular course of legislation. In England, the justices of the peace granted licenses; in the New England States they were granted by the select men, or by some local authority; and in the legislation of all our Provinces this power was delegated subject to the overriding power of the Legislatures, of the local authorities.

*Mr. Bethune.*—I am pointing out now that undoubtedly the Imperial Parliament thought that the regulation of trade and commerce was a thing that had to be attended to by somebody, because they have put language there that indicates that. If I am right in assuming that the word “trade” includes internal trade, then undoubtedly the Imperial Parliament thought the time must come when that must be regulated or controlled. I am endeavoring to point out to your Lordships now that the control, whatever it was, as a control of trade, was intended to be exercised by the Dominion, and I say internal as well as external trade; that is altogether apart from the police power, with which I shall deal later on.

*Henry, J.*—There is internal trade that might mean internal trade as contradistinguished from foreign trade, that is, outside of the Dominion; so that we have to look at the trade between the Provinces as well as the trade within the Provinces.

*Mr. Bethune.*—That is specially dealt with by a separate clause, and then the trade in each of the Provinces; it is clause No. 121.

*Ritchie, C. J.*—Are you not dealing with this question in the course of your argument as if the Imperial Parliament were starting to make a new constitution? But it was a federal constitution, recognizing powers already exercised in the colonies and it was distributing those powers.

*Mr. Bethune.*—What I say is, this division placed on the side of the Dominion every regulation of trade and commerce. Take, for instance, the matter of drawback



to show that a difficulty may arise in a matter of that kind. Take an article which has been imported wholesale and sold to the retail dealers, and passed into what is called, in the United States, "State commerce." That is sold to a foreign country, and under the bounty system that which had been in a retail dealer's possession is sold and again exported. Does it again come under the control of the Dominion? My argument is, that it never ceased to be under the control of the central authority.

*Ritchie, C. J.*—There is no municipal institution of the country which ever recognized that.

*Mr. Bethune.*—I use that to show that the subject has continued all the time to be under federal control, and that it was intended that it should. What I say now is based on two propositions: First, that the word "trade" extends to all trade, and the minutest divisions of it, and Parliament may say, if it chooses, that any particular branches or articles should be sold only under a license. They may be of a character that we think ought not to be sold by anybody except those we select. Surely during all the time passed one mode of regulating trade has been by license. In fact, licenses are used sometimes for two purposes: one to regulate, the other for revenue. No one would say that Parliament might not, in its wisdom, think fit to regulate some branch of trade, or, from time to time, some special branch of trade, and say, with a view to fostering or restricting it, or whatever purposes they might have in view, that it should be governed by certain regulations. Therefore, they might require license to be taken out by the retail shops with a view to regulating that particular branch of the trade. That, I say, is altogether apart from the police power, and in that view I have rightly apprehended the meaning of the words "trade and commerce."

Now, let us see what the result of the decisions has been with reference to this word "regulation." Let us see for a moment what the Scott Act really was. It has been assumed all along that the Scott Act is an absolutely prohibitory law. In truth, it is nothing of the kind. The Scott Act is a restrictive law, but it permits the sale of liquor for manufacturing and medicinal purposes, and for the arts. So, in fact, it was not an absolutely prohibitory liquor law; it tended, perhaps, more closely to an absolutely prohibitory liquor law than any other law we have yet had; but to prove that it is not an absolutely prohibitory law, one has only to look at the Act itself. Whatever might be wanted for medicinal purposes, for purposes of science, or art, or manufacture, were still allowed to be sold; so that, in effect, the Scott Act was not, except in popular language, a prohibitory liquor law. It was a law which restrained the sale of liquor for social use.

*Strong, J.*—What always struck me about the Scott Act was this—I think there is this consideration founded on what I called yesterday the general intent; it gives this local option, which is, in truth, providing for local self-government, and all local self-government is, under the head of municipal institutions, delegated by the British North America Act to the Local Legislatures.

*Mr. Blake.*—It was carrying out the spirit of the British North America Act.

*Mr. Bethune.*—The only extent to which the Scott Act restrained the sale of liquor was for social purposes.

*Strong, J.*—Liquor is not necessarily drunk socially. A man may drink it alone. It was restraining actual consumption; to all intents and purposes, it is what is called a sumptuary law.

*Mr. Bethune.*—It restrains the sale of it as a beverage. There is a case in which a law was sustained, both in this court and in England—a law which only restricted the sale, a law which was only partial in its operation, because it still permitted the article to be sold for the purposes I have mentioned.

*Henry, J.*—And permitted it to be used. In one case, where the Scott Act was adopted, a man was in the habit of using it for medicinal purposes, and he got sick very often, and in one case got six bottles of brandy; so, practically, it is not an absolutely prohibitory law. It might have been intended to be a prohibitory law, but practically it is not.

*Mr. Bethune.*—Mr. Church suggests that the man who used so much medicinally must have been allopath. There is a law which, I say, is not a prohibitory law, when you look at it. One would say, undoubtedly, the term "regulation of trade and commerce" does give the power to Parliament to prohibit, or to say what shall be done with a trade. While no doubt Parliament must have power to say what shall enter into the trade of the country, or that a particular substance is so injurious that people shall not be permitted to trade in it, it seems to me the word "regulation" goes further than that; it seems to me, looking at it in one way, that the meaning was not intended to be confined to the exclusion of a particular substance from the trade of the country, but to control it, while forming part of trade. It seems to me that is the more natural meaning of the word, and that it is not confined to mere prohibition of the use, or from its forming part of the trade of the country; but it seems to imply a power to regulate it while it forms a branch of the trade of the country, and it still gives Parliament power to regulate the control of it.

*Strong, J.*—According to your notion, Parliament would have control of the contract of sale?

*Mr. Bethune.*—That I am precluded from arguing, because the Privy Council—

*Gwynne, J.*—It does not exclude that argument, if applied to all the Provinces.

*Strong, J.*—Parliament has had control of contracts of sale?

*Mr. Bethune.*—I am not sure but they should have.

*Mr. Blake.*—It must have, for the purpose of my learned friend's argument.

*Mr. Bethune.*—No; if Parliament thought it was necessary to regulate the particular subject taken into its control—the contract of sale—it is possible it may have; but I do not want to argue on what may be entirely unnecessary for the purpose of arriving at the particular conclusion that is to be arrived at here. We therefore get a partial restraint in the dealing of this thing by the Scott Act, not an entire restraint; and both this tribunal and the Privy Council have, possibly, for slightly different reasons (though I have a word to say about that when we come to it) arrived at the conclusion that it is a valid law, though it was open to very strong observation from the fact that it, at first sight, appeared to be a law which trenched on local powers, though that was got over by the law being general, and not confined to a particular locality. Therefore, we get something more than mere prohibition involved in the validity of the Scott Act, because there was there a partial restraint; there was there a restraint down to a particular point, and it seems to me that, logically, it must follow, from the fact that that Act was sustained because of its being general throughout the whole country, that another kind of restraint must also be valid, because the only restraint is a restraint as to the purpose for which it is used, namely, sale for the purpose of personal consumption—because, I suppose that is the primary object sought by the restraint in the Act. That is a restraint of one kind, a restraint upon the use to which you propose to apply the article. Now, is there any reason why Parliament, having control of that trade, as to the use to which the article is to be put, should not exercise restraint over the persons who are to carry on that trade and to regulate how that trade is to be carried on—because, after all, it is simply the question which is dealt with in the license law—the mode in which the trade is to be carried on? That seems to me to be only another kind of restriction, and surely Parliament, which has the power to prevent the trade, must have the power also to say the conditions on which it shall be carried on, and, logically, it must follow from the Scott Act being sustained, that one kind of restriction is just as much within the power of the body that controls the trade as the other kind of restriction.

*Strong, J.*—Then, you contend that all licensing must belong to the Dominion Parliament?

*Mr. Bethune.*—All licensing connected with trade.

*Henry, J.*—Why limit it to licenses? Why not extend it to contracts for the warehousing of tea, tobacco, and the mode and manner in which tea and tobacco are to be sold, and regulations to provide that it is not to be sold to minors.



*Mr. Bethune.*—I dare say that might be supported on other grounds, which I shall argue further on.

*Strong, J.*—According to your argument, the effect of the British North America Act was either to withdraw this power to grant liquor licenses, which was exercised by municipal councils and the Quarter Sessions, to withdraw this from municipalities, or to create Dominion officers and empower them to grant licenses in the teeth of the local authorities.

*Mr. Bethune.*—All I am dealing with now, so far, is—

*Strong, J.*—You argue from the decision on the Scott Act, that as to prohibition the whole police power is vested in the Dominion Parliament?

*Mr. Bethune.*—I shall argue bye-and-bye that Parliament may exercise, if it chooses, the whole police power of the country. I am arguing the case now in the light of trade and commerce, and I say that one of the most usual modes of regulating trade has been by means of licenses. That has been the history of all trade. The Crown used to claim, in despotic days, the right to regulate trade, and one of the ways by which it did so was by granting licenses.

*Gwynne, J.*—I understood you to say that you would limit your observation that Parliament had the right to exercise police powers, so far as they relate to trade and commerce.

*Mr. Bethune.*—That is the extent to which I propose to argue.

*Strong, J.*—The decision of the Privy Council in the case of Parsons and the Citizen's Insurance Company—is not that rather against your argument?

*Mr. Bethune.*—No; I understand that case merely turned on the authentication of the contract. Just before that the Supreme Court of the United States decided that a written policy of insurance had no relation to trade. That was a case which came up in Virginia.

*Strong, J.*—It was not trade and commerce.

*Gwynne, J.*—It was not inter-State commerce.

*Mr. Bethune.*—The Privy Council, as I understand their judgment, say this: while these words are very wide, while they may possibly deal with the business of insurance, this is just the making of a contract between private persons; it was the authentication of the contract, as I understand their judgment.

*Henry, J.*—They decided that although insurance generally was a matter of general import, that the making of a contract between the insurer and the insured was a local matter, subject to local jurisdiction.

*Mr. Bethune.*—Yes, my Lord.

*Strong, J.*—There is another clause in section 91, that relating to banks and banking, under which two judges in Ontario—one is Justice Armour, whose opinion is entitled to great weight—held that it was beyond the competence of the Dominion Parliament to provide for the validity of warehouse receipts; that the contracts with banks and bankers, and the regulation of such contracts, belonged altogether to the Provinces.

*Gwynne, J.*—I do not think the Privy Council have decided in Parsons—they have not said that if the Dominion make a law—

*Henry, J.*—Have they decided that one party had jurisdiction?

*Mr. Bethune.*—I am not aware, because I have not examined it with a view to ascertain what the opinions of their Lordships were in the matter to which this Lordship Justice Strong has referred now, and therefore I do not feel at liberty to make a suggestion about it. Indeed, it is of very little consequence, I suppose, here.

*Strong, J.*—It occurred to me that there was great weight in it. Of course, the case was decided on another ground. It occurred to me that the judgment of the learned judge, Justice Armour, might well be supported in this way: We find here that trade and commerce is given by the 91st section of the British North America Act to the Dominion Parliament, and the municipal institutions, by the 92nd section to the Local Legislatures. We have explained those words in it—what those municipal institutions really mean—police powers. Suppose those words were really there, how should we construe that here? That trade and commerce, except in so far

as it is affected by the police power, belongs to the Dominion, but the Provinces, even though it may incidentally affect trade and commerce, have the police power unconditionally and absolutely.

*Mr. Bethune.*—I shall deal with that just now.

*Strong, J.*—You are arguing the scope of the power under the head of trade and commerce.

*Mr. Bethune.*—I think I can show your Lordships, when I come to that, that the two are quite consistent, that the two can be worked out quite consistently with the exercise of any local power.

*Strong, J.*—I understand you are arguing that trade and commerce gives absolute power to the Dominion Parliament. I say, if that was alone, your argument might be well founded, but when you have to construe it side by side with the other provisions, which say that the police power shall be with the Provinces, you must construe it in such a way as to reconcile them.

*Mr. Bethune.*—I shall endeavor to deal with it in that light in a moment.

*Henry, J.*—It is the common law right of every man to walk through the streets of a city, but it is quite possible that under some circumstances a policeman may stop him, and then comes the main question—has the policeman that right, the other right being admitted?

*Mr. Bethune.*—I think I can quite harmonise that by giving full effect to the words “municipal institutions,” when I come to deal with that part of my argument; but to whom the effect to which this legislation extends I will refer your Lordships to Pomeroy’s book, edition of 1868, on constitutional law, page 244, section 379, where he analyses the power of Congress to deal under the regulation which they have, that places the means and instruments, or subject matter of commerce, and I say, that for the reasons which are stated there, our Dominion Parliament has precisely the same power, except that it is a power extended to the State. Now, in the license case in 5th Howard, page 504 (which ought to be considered side by side with the other American cases I have referred to there), there were laws of Massachusetts, Rhode Island and New Hampshire, in question, and these laws were sustained, so far as I have been able to analyse it, in the opinion of every judge who pronounced upon it, on the ground that they were dealing merely with what was State traffic, that they had the right, just as it is held here, that the Dominion Parliament has power to exclude any particular subject.

*Strong, J.*—Pomeroy says there, it is impossible to make any positive rule from the decision or to draw any definite conclusion, the reasons given were so diverse in the license cases.

*Mr. Bethune.*—There has been a consensus, I think, that so far as mere State commerce is concerned, the State has the control.

*Strong, J.*—Because all the power is in one, and the power of regulating the sale, the trade and police power; there cannot be any conflict there. That is the reason why this question cannot arise.

*Mr. Bethune.*—This question did arise there, as to whether or not the State law was valid, and they point out that down to a particular point the congressional law applies—that is, to the point of inter-State commerce—up to the full limit of mere State commerce the local law applied; but what I want to point out to your Lordships is, that in that case they were actually supported, as well on the ground of it being a proper control of the State commerce as the exercise of police power, and there, of course, they had the whole. Now, I submit this is not covered by the term “municipal institutions” here any more than what was the subject of the Scott Act, that it is impossible, in effect, to say that this is a violation of the rights of the Provinces, so far as the municipal institutions are concerned, any more than was the Scott Act. The two in principle are quite identical. It seems to me that when we are dealing with municipal institutions no distinction can be drawn in principle between the restraint placed by the Scott Act and the restraint sought to be placed under this License Act—that the two are identical. Now, the ground on which the Scott Act was supported in this court was, amongst others, because it was a regula-



tion of trade. One of your Lordships, indeed I may say more than one, stated that it was a valid exercise of the general sovereign power of Parliament to deal with a particular subject.

*Strong, J.*—Is Parliament sovereign or paramount in any sense? Are not the Local Legislatures paramount in their own spheres?

*Mr. Bethune.*—Certainly, my Lord.

*Strong, J.*—Once we find out what their sphere is they are sovereign within that sphere, as much as the Dominion Parliament is, except in so far as they are controlled by the Imperial Parliament.

*Gwynne, J.*—In that Act it appeared to me the subject of the Scott Act was what might be said to be more of the character of a national Act, whereas this is of a private character.

*Mr. Bethune.*—It was private, in the sense of being adopted in limited localities.

*Strong, J.*—Your theory is, that in practice there is no difference between absolute restraining and partial restraining?

*Mr. Bethune.*—Conditional restraining.

*Strong, J.*—And the case decided on the Scott Act therefore indicates that all the power of interference is with the Dominion Parliament.

*Henry, J.*—It is a strong position for you, that if they can do the greater they can do the less.

*Mr. Bethune.*—I have pointed out that it was not an absolute interference but only partial. My case might be weaker here if it had been simply an absolute prohibition in the Scott Act.

*Strong, J.*—It is on that principle that I have suggested already, that there is a conflict between the two decisions.

*Mr. Bethune.*—It does not seem to me that this is an invasion of the term "municipal institutions in the Province" any more than the other was.

*Henry, J.*—I am inclined to agree with that proposition.

*Mr. Bethune.*—I am dealing now with the question of municipal institutions in the Province, and I am pointing out that from the very character of the Scott Act one is no more an invasion of municipal institutions in the Province than the other is.

*Strong, J.*—The same power which absolutely prohibits can partially restrain.

*Mr. Bethune.*—Certainly, my Lord; and, as I pointed out, there was not absolute prohibition in the case of the Scott Act; it is only restraint after all, and only restraint of what? A restraint in effect of the exercise of the local power.

*Strong, J.*—There is one question which should be asked: How was it under our old system previous to Confederation? Could the authorities refuse licenses absolutely, or were they subject to mandamus?

*Mr. Bethune.*—I do not know a single instance in Ontario in which a mandamus succeeded.

*Strong, J.*—Was it not the case under the old Quarter Sessions system, before we had municipal institutions, before 1841, that the justices of the peace in session might, without any reason, say that an applicant shall not have a license.

*Mr. Bethune.*—I think so, my Lord.

*Strong, J.*—Could they have refused to grant any?

*Mr. Bethune.*—I do not think they could.

*Strong, J.*—Would they not be liable to mandamus?

*Mr. Bethune.*—I do not know of any case in which it was done.

*Strong, J.*—Because, if that was so, the practical power of prohibition would have been, prior to Confederation, with the municipal authorities.

*Henry, J.*—In the Lower Provinces the principle of the Scott Act was as much in force by a local Act of the Legislature of Nova Scotia as it is now by the Dominion Act.

*Mr. Irving.*—The municipalities could have withheld licenses altogether by a vote of the ratepayers.

*Strong, J.*—That is under the Dunkin Act?

*Mr. Irving.*—No, my Lord, irrespective of that. That was the condition of fact in Slavin and Orillia.

*Strong, J.*—That is under some special Act, but I am speaking of the old system before the Dunkin Act.

*Mr. Irving.*—The Slavin case is wholly irrespective of the Dunkin Act.

*Henry, J.*—In the lower Provinces, if a certain number of ratepayers petitioned against it, the Sessions could not grant licenses.

*Ritchie, C. J.*—In New Brunswick the ratepayers had nothing to do with it.

*Mr. Bethune.*—In the King's county case it was held that they could not refuse and I have always understood that apart from some special provision, in our Province they could not refuse to grant licenses.

*Strong, J.*—In England, though always under some statute, the justices had absolute power.

*Mr. Davie.*—It was absolute discretion, and the same in British Columbia.

*Mr. Bethune.*—That depends entirely on the statute.

*Mr. Irving.*—In McEvoy and the municipality of Sarnia, which is to be found in 12 Upper Canada, Queen's Bench, which is about 1848 or 1850, there the prohibitory-law to be valid must be duly approved of by the electors of the municipality. In answer to your Lordship, I may say, then, they had power to prohibit absolutely.

*Strong, J.*—I am speaking of the old powers which the justices of the peace had when they were authorized to grant licenses. Was there any way of controlling that jurisdiction of power, which they had, by mandamus?

*Mr. Davie.*—No, my Lord; there was not.

*Strong, J.*—That is my opinion.

*Mr. Bethune.*—It is enough to say that there is no case reported in which they have ever been mandamusd.

*Strong, J.*—The point is of vital importance in this case, as going to show whether these municipal institutions were.

*Mr. Bethune.*—The power formerly exercised by municipal institutions undoubtedly divided between the two Parliaments.

*Strong, J.*—You do not say that any portion of the power which was in the municipalities was ever intended to be transferred to the Dominion Parliament?

*Mr. Bethune.*—Yes, a large number of them; I have made a collection of them.

*Henry, J.*—In Nova Scotia, before Confederation, the grand jury really required a recommendation of a certain number of persons before granting licenses, and made a list of the persons to whom licenses should be granted; and the justices of the Sessions could not go outside of that, but they had a discretion to recommend how many of them should be granted; but, if the grand jury did not make out a list, or did not recommend any, then no licenses could be issued.

*Mr. Bethune.*—In Russell and the Queen, when we get to the Privy Council, we find that while the Chief Justice of this court, and Justice Fournier, had expressed based the judgment upon the power of Parliament to regulate trade and commerce, the course of the discussion seems to have proceeded upon the question of the general police power; but we come, then, to what was said at the end, which I take it as assent by the Privy Council to the doctrine for which his Lordship the Chief Justice had contended in this Court. At the last page of the report—7 Appeal Cases, page 842, of Russell and the Queen, their Lordships say this:—

"Their Lordships having come to the conclusion that the Act in question does not fall within any of the classes of subjects assigned exclusively to the Provincial Legislatures, it became necessary to discuss the further question, whether its provisions also fall within any of the classes of subjects enumerated in section 91. In abstaining from this discussion they must not be understood as intimating any dissent from the opinion of the Chief Justice of the Supreme Court of Canada, and the other judges who held that the Act, as a general regulation of the traffic of intoxicating liquors, throughout the Dominion, fell within the class of subject, 'the regulation of trade and commerce,' enumerated in that section, and was, on that ground, a valid exercise of the legislative power of the Parliament of Canada."



I read it as an assent on the part of the Privy Council to that doctrine; though it was not discussed, they say they do not dissent from it.

*Strong, J.*—Still, they give no opinion upon it.

*Henry, J.*—They prefer giving another reason.

*Strong, J.*—It means just this that their judgment proceeds on the ground of the police power.

*Mr. Bethune.*—It means more than that; if they had been quite silent about it it might be so doubtful.

*Strong, J.*—What they say is: "We do not dissent from what the learned judges say, but holding the view we do, we do not feel bound to consider it."

*Henry, J.*—And more than that, that they do not rely upon it.

*Mr. Bethune.*—It does not amount to that. They are at pains to point out that they do not discuss it, but in not discussing it they must not be understood as dissenting from it. It is quite enough for me to say that that case is capable of being placed upon the words "regulation of trade and commerce."

*Ritchie, C. J.*—It is open for you to say, and it is quite enough for your purpose, as far as this court is concerned, that that doctrine has not been repudiated or overruled by the Privy Council.

*Mr. Bethune.*—That is quite enough for the purpose of my argument. It is just as strong as though the Privy Council had approved of that ground, so far as this tribunal is concerned. That being so, I am endeavoring to make the point that this is not, any more than that case was, an invasion of municipal institutions. A great deal has been said about the fact that that was not discussed by Mr. Benjamin before the Privy Council.

*Strong, J.*—Mr. Reginald Brown begins the argument.

*Mr. Bethune.*—I have here Martin and Meredith's shorthand report of the argument, which the Department of Justice has furnished, and though Mr. Benjamin did not specifically refer to section 9 under that head, it is pressed upon their consideration in the argument. He refers to municipal institutions in this way—

*Ritchie, C. J.*—Afterwards Hodge and the Queen was discussed on that question, and they reaffirm their decision, and they adhered to the reasons and the conclusions.

*Mr. Bethune.*—But independently of that, I want to point out that Mr. Benjamin, who had a larger knowledge, perhaps, than any English counsel of the municipal institutions in the United States—it has been part of the argument of my learned friend that this also was a power exercised by the municipalities of the United States in dealing with this particular thing—I wish to point out that Mr. Benjamin did not omit that consideration, but did press it, though not, perhaps, in the same way in which it is pressed here; but he refers in this language to the subject. He said:—

"A confederation which should, for political purposes, provide one common front of emulation or defence, if you please to say so, to a great neighboring Republic, and at the same time to leave to the people of the Provinces those institutions to which they were attached. In other words, whatever was domestic, whatever was private—which, unfortunately, we hear so much of lately—whatever was home rule, was to be left with the Provinces. Their domestic institutions, their home rule was not to be interfered with, but the general purposes of an Empire, of a Confederation, &c."

*Strong, J.*—The question is, what is home rule and what is not?

*Mr. Bethune.*—I am reading from page 23, the second day's argument. He continues:—

"Undoubtedly, if there was anything like a conflict, if the Dominion Parliament could not exercise its powers of regulating trade and commerce for example—

"*Sir Montague Smith.*—That declaration only applies to the enumerated provisions.

"*Mr. Benjamin.*—Yes; if therefore the case were this, that it was impossible for the Dominion Parliament to exercise its power of regulating trade and commerce without dealing with licenses of taverns, it would be a very grave question, licenses

for taverns being specially stated as a subject of revenue for the Provincial Government and for its municipalities, &c."

*Mr. Blake.*—The difficulty was, there was no license in the case, and therefore the whole thing was withdrawn.

*Ritchie, C. J.*—The specific clause of the Act, their attention was not called to it nor were the municipal institutions of the country referred to.

*Mr. Bethune.*—I admit that it was not gone into distinctly.

*Ritchie, C. J.*—Your strongest argument is, that when that matter was brought before them in the fullest possible manner, they reaffirm the decision which they had rendered in Russell and the Queen, and if they had taken the view presented by the other side they would have reversed the judgment they had given before.

*Henry, J.*—It must be remembered that Mr. Benjamin made these statements after the court had taken down the case, as far as the right of the Dominion to prohibit generally was admitted.

*Mr. Bethune.*—Further on he says this:—

"Look at the grant, in section 92, of the exclusive power to the Provincial Legislature. They may exclusively make laws in relation to 'matter coming within the classes of subjects next hereinafter enumerated.' They have exclusive power to make laws in relation to tavern licenses.

*Sir Montague Smith.*—For the purposes of revenue."

And further on:—"Now, how are you going to reconcile these two (that is the powers conveyed by the sub-sections of 91 and those conveyed by the sub-section of 92); it is impossible, if you read the two. You must obliterate one of the two. You cannot have exclusive power to raise money by any system of taxation in one body and exclusive power to raise money by direct taxation in the other body, &c."

Then he refers to what his Lordship Justice Henry says, and continues:—

"The only taxation that is allowed in the Provinces and the only source of revenue they have got is direct taxation for provincial purposes—licenses for taverns (I confine myself to taverns, for a reason I will state presently), for local and municipal purposes. Those are the modes in which they are to get revenue for their special purposes. Now, of course, I confine myself, in my argument, because it is that alone that this legislation is directed, to the tavern or saloon licenses. Now we know that a tavern is a home shop. That is the classical interpretation. It is the clear English meaning of the word—a place where people can go and buy wines and spirits and drink them for their refreshment. How can it be said that the Provincial Legislature cannot, for the purpose of raising a revenue for the city of Fredericton, maintain the license system which existed and has existed down to the interference by the Dominion Government. Is there anything in that which prevents the Dominion Government from exercising its general power to regulate trade and commerce? Cannot it regulate trade and commerce without legislation in reference to licenses for taverns?"

So that though perhaps not put in the same distinct and succinct way in which the matter has been put here, the particular point was only perhaps hinted at rather than argued; but as has been pointed out by his Lordship the Chief Justice, when the matter did come up, in a subsequent case, they said it would have made no difference in effect, in their judgment. That being so, if the two cases are indistinguishable in principle, that is, if they are both restraints, both interference, both regulations, it were, of the retail traffic in liquor, how is one any more an interference with the term "municipal institutions" than the other? Now, I submit there is no inherent connection between municipal institutions and the liquor trade. My learned friend must say that the term municipal institutions, by necessary intent, carries the right to regulate the liquor traffic; they must say that it is an implied power; that the Imperial Parliament, by using the term "municipal institutions in the Province" must have intended to except, out of the grant of trade and commerce, the power to deal with this liquor question.

*Strong, J.*—As regards articles of food, where do you say the power to regulate is?



*Mr. Bethune.*—With the Dominion.

*Strong, J.*—So that power which has hitherto been exercised by the municipal authorities is now, for the first time in the history of the country, to be taken from them. Is the inspection of food a police power?

*Mr. Bethune.*—Yes, my Lord; and they have exercised a very large control over that.

*Strong, J.*—That is not included in municipal institutions?

*Mr. Bethune.*—No, my Lord, except to a certain point, which I shall define in a moment.

*Henry, J.*—There is one thing in which inspection might be useful, that is, to define the difference between noxious and innocuous food—in distinguishing mushrooms from toadstools, for instance.

*Mr. Bethune.*—Take the inspection of flour; that is left with the Dominion.

*Strong, J.*—That is one of the staple products of the country. If the regulation of trade and commerce would warrant an inspection of anything, it would be the inspection of flour, timber, and those other important staple productions of the country.

*Ritchie, C. J.*—The inspection of flour, fish, and those large staple articles is with reference to foreign as well as local trade. It is more intended for export; the exportation of fish forms a large portion of the export trade of Nova Scotia, and so does that of flour and grain from this large Province; that is entirely independent of anything like local police regulation.

*Mr. Bethune.*—It is not founded on that, because the inspection of articles takes place for home consumption as well as for exports to foreign countries. I grant that flour is a staple article, but if they inspect flour why may they not inspect other articles. Take pork, for instance; that is put up in barrels; that is inspected.

*Strong, J.*—That is a large staple trade of the Dominion, but the inspection of food sold by retail in the markets of the country is, and has been in all times, a matter of local regulation or municipal law since markets were known.

*Mr. Bethune.*—I quite agree with your Lordship as to the sale in local markets for local consumption, though I can easily see that the regulation of that might become a matter of importance, so as to warrant the Dominion in controlling it if they saw fit.

*Ritchie, C. J.*—Could anyone ever suppose that it was intended that the Parliament of this great Dominion should go out and regulate the way in which beef should be cut up in the butchers' stalls?

*Mr. Bethune.*—No, my Lord; I should say not.

*Ritchie, C. J.*—What do you leave to the Local Legislatures at all?

*Mr. Bethune.*—I am not concerned at all about that; I have nothing to do with that. It is quite enough for me to say—

*Strong, J.*—It is the duty of the court not to allow any part of this Act to be reduced to a dead letter. The 92nd section does give large and important powers—powers which the very object of the Act was to conserve to the Provinces.

*Mr. Bethune.*—My argument is, that anything that Parliament may see fit to control in doing what it may think necessary for the regulation of the trade of the country, is not intended to pass to the Provinces.

*Strong, J.*—For instance, the size of packages in which liquor is distilled in this country for exportation. I would concede at once that that is a matter for the Dominion. The general trade in manufactured spirits in bulk and large packages.

*Ritchie, C. J.*—And also the packages in which they shall be imported into the country, because that was dealt with by the Legislatures before Confederation. Why was that done? For the benefit of trade and commerce, to prevent smuggling. Those were never police regulations.

*Strong, J.*—They are incidental to the revenue power.

*Ritchie, C. J.*—I am only pointing out that there was a large amount of regulation which was dealt with by the Local Legislatures before Confederation, apart from

the local police regulations, and then there was a large amount of police regulation which was entirely placed in the hands of municipal institutions.

*Mr. Bethune.*—What I submit was only intended to pass by the term “municipal institutions” was whatever was absolutely essential to the government of the particular locality. They are dealing there with the local government of the various parts of the country. I do not suppose that they meant it in that limited sense where municipal institutions were used, but I submit that by the necessary intent you cannot carry the power further than whatever may have been necessary for the government of local areas brought under municipal control; and I take it that in no sense was that intended to touch any trade power, to touch any part of the power which was vested in Parliament, which Parliament should from time to time think necessary for the control of the trade, either domestic or foreign, but that while municipal institutions, under municipal government, up to a certain point, the local authorities may exercise certain power and certain control, that that must always give way to whatever law Parliament might think fit to enact for the government of the whole country.

Now, a great deal has been said about this term “police power,” but in truth the police power, a great part of it, is undoubtedly vested in the Dominion. What are these words, “the peace, order and good government of Canada?” What are these but police power, extending to the whole Dominion. That is the very term under which you find in books which treat of the police power—the very term in which it is expressed.

*Strong, J.*—I thought the day had gone by for that argument, after all that has been expended upon it under the cognate words, “general warfare,” in the constitution of the United States. Webster argued again and again that authorized anything you chose, and at every usurpation of power they tried to shelter it under the words.

*Mr. Bethune.*—But the court never gave effect to it. I say the police power is not necessarily incident, does not pass by general intendment in these words, or, in all events, no definite portion of it passes by general intendment by the term “municipal institutions.”

*Strong, J.*—“General welfare” must be as large.

*Mr. Bethune.*—You must look at the peculiar circumstances there. General welfare, on the part of Congress, you must contrast with what we know to be the fact, namely, that the interstate trade power and the whole criminal law vested—

*Henry, J.*—I think we have a right to look at the history of the Act in considering it, and we must look to the fact that this Act was the result of Acts passed in Canada, New Brunswick and Nova Scotia, authorizing the delegates to proceed to London to carry that out. They having agreed to ask the British Government to legalize what they had done, and that Act, I think, should be construed as the result of the labors of the delegates in London, put in the shape of an Act; and I think a fair way of construing it is to construe the language of that Act in a mode that would give effect to what might fairly be presumed to be the intention of the parties.

*Mr. Bethune.*—But still we must gather the intention of the parties from the Act itself.

*Ritchie, C. J.*—And has not the Act given you the means of gathering the intention, when it says that anything coming within any of the classes of subjects enumerated in section 91 “shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.” That notwithstanding what there is in this Act, you shall not construe it to affect municipal institutions, and when you get municipal institutions, then these words left by themselves, mean nothing; you must find out what municipal institutions are. How do you find out what they are, but to go back to the history of this country from the day that British rule first prevailed in it, up to the time of Confederation; and you find municipal institutions recognized, and not only recognized in all the Provinces,



ut in every stage of it you find it, as has been over and over again remarked, in all English speaking countries where constitutional principles and municipal rights exist.

*Mr. Bethune.*—No doubt, and I will deal with the history of the question by-and-bye. I think I can demonstrate to your Lordships that you cannot rely upon that. What I was endeavoring to point out was, that in the United States, dealing with the general welfare clause, you found the whole State commerce and the whole criminal law was vested in the States, and the only jurisdiction that the Congress of the United States has is for offences against the State; but if you look at Blackstone books on the subject of these police regulations, Chitty's edition of Blackstone—

*Ritchie, C. J.*—There is an immense amount of material that could be brought into this matter. These words would be applicable taken in connection with section 27 of the criminal law. What is making laws for the peace? It is to enact laws to prevent breaches of the peace. What is making laws for the order? It is to pass laws regulating labor combinations in different parts of the country, which are outside of the mere police, in the municipal sense of the term. And then for the good government? Those were all general matters and were not intended to deal with any mere local matter.

*Mr. Bethune.*—What I am endeavoring to point out may not appear as plain to your Lordships as to me, that when you deal with municipal institutions, having reference to a canon of construction now almost generally adopted, it shall not be deemed to include anything specifically referred to in section 91. That is why I have addressed so much of my argument to the meaning of the words "regulation of trade and commerce." If they include what I contend they do—

*Ritchie, C. J.*—That would be all very well if we had not this clause here, saying that you shall not read anything in that as saying that it interferes with the powers conferred on the Local Legislature; and, having found out what "municipal institutions" means, before we can construe section 91 in that respect we must find out what is in section 92. We must find out what "municipal institutions" means, and having done so, you must say nothing interfering with these comes within the jurisdiction of the Dominion Government.

*Gwynne, J.*—Whatever interferes with trade and commerce shall not be deemed to come within municipal institutions.

*Mr. Bethune.*—That is my argument. I understand the rule laid down by the Privy Council, and acted upon by your Lordships, always has been, first to ascertain if we find it specifically mentioned in section 92. If we find it specifically mentioned there, then we have also got to look at section 91, to see if it is specifically mentioned there, and if it is specifically mentioned in section 91, then it is not in section 92.

*Gwynne, J.*—If it is in section 91, it is in section 91 and not in section 92.

*Henry, J.*—And then, if what is necessarily included in section 92 is as specifically mentioned in section 91, then, of course, there cannot be an argument about it, section 91, would prevail; but if an article is specifically mentioned in section 92 and is generally mentioned in section 91, then the question would come—what is meant by it?

*Gwynne, J.*—You must construe the words in section 91.

*Henry, J.*—Must you not construe the general words in section 91 to give effect to the specific provisions mentioned in 92?

*Mr. Bethune.*—That is why I was so anxious to get, in the first place, a clear meaning to the words "regulation of trade and commerce." It seems to me, the more one considers it the more one must be driven to the conclusion that inasmuch as licenses are the means of regulating trade, inasmuch as Parliament says "we deem it necessary for the trade of the country that Parliament should regulate this particular trade, and we are going to enact a code of laws for the regulation of that trade," that it is impossible that it does not come within it. I have looked at Blackstone, 4th vol., chap. 13, Chitty's edition, 1846—I specially chose an old edition. The chapter refers to offences against the public health, and public police or economy. He

discusses the question as to what these police laws are. The page in this edition is 162; the page of the American edition is 121. He says:—

"The 4th species of offences more especially affecting the commonwealth are such as are against the public health of the nation, a concern of the highest importance, and for the preservation of which there are, in many countries, special magistrates or curators appointed. The first of these offences" (he refers then to infectious diseases and gives a number of instances). "A second, but much inferior, species of offence against public health is the selling of unwholesome provisions, to prevent which, the statute 51 Hen. 3rd st. 6, and the ordinance for bakers, chap. 7, prohibit the sale of corrupted wine, contagious or unwholesome flesh, or flesh that is bought of a Jew, under pain of amercement for the fourth. And, by the statutes 12 Car. chap. 25, any brewing or adulteration of wine is punished with the forfeiture of one hundred pounds if done by the wholesale merchants, and forty pounds if done by the vintner or retail trader, and by the one B. and M. st. 1, chap. 34, sec. 20, any person selling wine, corrupting or adulterating it, or selling it so adulterated, shall forfeit three hundred pounds, half to the King and half to the informer, and shall be imprisoned three months.

"The last species of offences which specially affect the commonwealth are those against the public police or economy. By the public police or economy I mean the due regulation and domestic order of the kingdom, whereby the individuals of the State, like members of a well governed family, are bound to conform their general behavior to the rules of propriety, good neighborhood and good manners, and to be decent, industrious and inoffensive, in their respective stations,"—all of which dealing with local matters, but the making of a law to affect these local matters throughout the whole country —

*Gwynne, J.*—Is that any more than dealing with those offences as criminal offences?

*Mr. Bethune.*—What may be a mere police regulation to-day may be a —

*Gwynne, J.*—Wherever police regulations are established offences against those police regulations are criminal.

*Mr. Bethune.*—It is part of the general criminal law. It is treated in that way by Blackstone, because the 4th volume is devoted to criminal law.

*Ritchie, C. J.*—Is not that dealing with criminal offences?

*Mr. Bethune.*—I am pointing out that that is called police power—

*Henry, J.*—There is municipal police power as well as criminal.

*Gwynne, J.*—That refers to a country where there is but one Legislature.

*Mr. Bethune.*—What we are dealing with now is this: they say, on the other side that the general police power is with the municipal institutions. I am pointing out that that is not so, because in all the books that treat of police power it is put in the criminal law.

*Gwynne, J.*—That is no argument in a treatise on the laws of a country which has but one law-making power. If there is but one law-making power, there is no question of jurisdiction as to who shall make the law. If it is a contravention of police regulations it is a crime.

*Mr. Bethune.*—I cannot grasp the meaning of the term "police power" anything more than what is defined in the treatise. My learned friends argue that this impalpable power was intended to be conferred on the municipal institutions before Confederation.

*Ritchie, C. J.*—At the time of Confederation, before this law was passed, if the mayor of a city should call upon you and say: "Would you be kind enough to tell me what those municipal police powers are?" would he not mention this as one of them?

*Mr. Bethune.*—No; I should have thought they were exercising the power, not for police, but for control—

*Ritchie, C. J.*—I am referring to the regulating of taverns, fixing the hours, &c.

*Gwynne, J.*—Could not the corporation of the city of London, under its charter make regulations for punishing violations of their police regulations?



*Mr. Bethune.*—I do not know; I am not acquainted with the powers they possess under their charter, but I know their powers are large. What my learned friend was contending for is this—they say there is some kind of impalpable power, which they call police power, which has passed under the term “municipal institutions.” I am pointing out that that cannot be supposed to pass, as we understand that term “police power” in a large sense, because we find what is the largest branch of police power is specially enumerated in section 91. If it has not all passed, then what I was going to ask was, how much of it passed? What is the measure of it that has passed? That is the argument I am endeavoring to make use of to meet the large claim which my learned friends are putting forward.

*Gwynne, J.*—My observation is only with reference to what you quote from Blackstone. That cannot assist us.

*Henry, J.*—If it does not come within the definition of police power, strictly speaking—

*Ritchie, C. J.*—In the charter of the city of St. John we find that by royal charter they are given all those powers that are mentioned now—issuing tavern licenses, &c.

*Henry, J.*—And the creation of police for the protection of life and property.

*Mr. Bethune.*—I shall have something to say about that very charter, because that is one of the things I am to discuss in view of the historical argument; I intend to show that the historical argument is uncertain.

*Ritchie, C. J.*—There were some provisions in the charter which it was doubted could be granted by royal charter, and there was an Act of Assembly passed afterwards confirming such powers, but there was no uncertain sound as to licenses, &c.

*Mr. Bethune.*—That does not help us, because the question was not what was originally given of those powers, but how much of them was transferred to the new provincial bodies. Your Lordship will find a very instructive chapter on the subject in Cooley's Constitutional Limitations, chap. 16, page 572, and he adopts Blackstone's and Jeremy Bentham's definition of what is included. You will find, in a note at the foot of page 572, a full enumeration of them.

*Strong, J.*—Not by a jurist at all, but by an eminent divine—an essay on the police of large towns.

*Mr. Bethune.*—You will find in the Encyclopedia Britannica, the old edition (they have not got that far in the new one), a very exhaustive article on the police power. The Germans give the largest sense to the term.

*Mr. Blake.*—It is just derived from *polis*, a city.

*Mr. Bethune.*—Another reason why I say the control of this particular traffic itself did not pass by necessary intentment, is that you find it referred to in sub-section 9. Now, I say that that negatives the idea of that passing under sub-section 8, because, even though by implication it might be said to pass, you have got to construe the whole of section 92 together, and you will find a limitation placed. The way I put it is this: They were measuring the whole powers of the Provincial Legislature. One of the powers was to create municipal institutions. The municipal institutions were the creation of the Provincial Legislatures. Then, the next is local legislation, and they restrain the power of the Province, except for revenue purposes, and I say that shows that the full measure of power which was intended to be exercised by the Provincial Legislature was a power confined to revenue, and when we find that this fairly covers the words “regulation of trade and commerce,” I say, then, that they only intended the municipal bodies to deal with this particular branch of trade and commerce with a view to revenue, and that that destroys any implication at all of a larger control having been intended.

*Strong, J.*—You say that licenses are only intended to be issued for revenue purposes?

*Mr. Bethune.*—Exactly.

*Ritchie, C. J.*—One of the judges said that in Russell and the Queen.

*Mr. Bethune.*—I am putting it for another purpose than the one then in hand.

*Gwynne, J.*—The Privy Council say that the proper way to interpret the Act is to take each case only as it comes before them.

*Strong, J.*—It is by way of advice to this court, and I cannot imagine anything more unsatisfactory and more certain to lead to a confused result than that system of interpretation.

*Gwynne, J.*—It was in view of what appeared to some of us to be absolutely necessary to arrive at a decision to read the whole of the Act.

*Mr. Bethune.*—I do not know that I have made my meaning plain. I show that section 9 limits the power of the Local Legislature to mere revenue purposes. I come then, to what we call the historical argument, and I say that no light can be got from the historical argument; in the first place, because the practice of the various local bodies differed as to the extent to which municipal bodies exercise control before Confederation. Some of them controlled the whole trade, wholesale as well as retail including, I believe, in New Brunswick, vessel licenses.

*Ritchie, C. J.*—Internal navigation. It would be a very monstrous thing to say that if they have power to regulate licenses in St. John, Sunbury and York, through which the river St. John runs, that they should be not able, on the waters of the Province, to prevent the sale of liquor.

*Mr. Gregory.*—As I understand it, there was no special license issued, but a license issued at either end of the route—

*Strong, J.*—The vessels could not sell without license.

*Mr. Gregory.*—The vessels took the risk as they passed through each count through which the river ran.

*Mr. Bethune.*—My recollection is, that until after Confederation there was no restraint on vessels which navigated the St. Lawrence. They did not, as a matter of fact, sell while in port, but while in transit they were not interfered with; but after Confederation a license was taken out for each Province.

*Gwynne J.*—With reference to the former point, in Hodge and the Queen, is there not something more established in the local power than the mere raising of a revenue?

*Mr. Bethune.*—I am going to deal with that last, because I am prepared, at the conclusion of my argument to give what I understand to be the meaning of Hodge and the Queen.

*Strong, J.*—Much wider powers are recognised than mere revenue powers.

*Mr. Bethune.*—But they expressly say that they do not place them under section 9.

*Strong, J.*—In Hodge and the Queen the licenses are placed under sub-section

*Mr. Bethune.*—What I am endeavoring to bring to your Lordships' minds is how the matter stood, apart altogether from the exposition on Hodge and the Queen. I am arguing it now just as if Hodge and the Queen had not been decided, and I shall endeavor to show that Hodge and the Queen has not created any difficulty in the way of the argument I am now addressing to your Lordships. I am pointing out in the vessel license there was a difference. Wholesale licenses were granted in two or three of the Provinces, but in Upper Canada the wholesale trade was not attempted to be controlled. In other Provinces, Nova Scotia and New Brunswick, brewers and distillers were under local control. Then there was local option in some of the Provinces. We had the Dunkin Act, which gave us local option in Ontario and Quebec and a similar Act was in force in Quebec.

*Mr. Gregory.*—Does not the Scott Act repeal the Dunkin Act?

*Mr. Bethune.*—No; only in future it is not to be put in force. At the time the McCarthy Act was passed, the one now under discussion, I understood, in the Province of Quebec it was necessary to have a vote of the ratepayers. In the Province of Quebec the county council had not power to absolutely prohibit the sale of liquor until a vote of the county was taken upon it. In the first place, the practice differed in the various Provinces, and so you get, as a mere matter of practice, no certain defined line.

*Strong, J.*—What does that prove? The question is: Where it did exist in all the Provinces, was it not vested in local authorities?



*Mr. Bethune.*—No doubt, my Lord, just as it is in England.

*Strong, J.*—That is the point, not whether the laws were similar.

*Mr. Bethune.*—A great many matters which were exercised by the local authorities are now under the Dominion. Some of them are specially enumerated in the section, but what I am trying to bring your Lordships to is this: How far are you prepared to say that this control goes by necessary intendment? Is it to go, as it went in Nova Scotia, to the extent of brewers and distillers, or is it to be the lesser power of Ontario? My argument is that it is not to go at all, because it is a regulation of trade.

*Strong, J.*—As regards existing laws, it kept old laws in force; as regards new legislation, as I said in Severn and the Queen, it must confer uniform and not diverse legislation on the Provinces.

*Mr. Bethune.*—After Confederation, what is the exact measure of power intended to be conferred by the British North America Act on the Provinces? The other side say the measure of power was to control this trade, because municipal institutions did it before. I answer: To what extent are you going to carry that? Are you going to take Ontario, New Brunswick or Nova Scotia?

*Strong, J.*—I think the way of measuring it is this: By taking the police power and ascertaining, as nearly as possible, what it was intended to cover.

*Mr. Bethune.*—That term "police power" is so wide that it is difficult to say how far it extends.

*Strong, J.*—In the abstract it is, but take a case, and it is easy to decide. Politicians and learned counsel may raise difficulties about anything, but I should have thought that judges would have found no difficulty in deciding.

*Mr. Bethune.*—Here you find two distinguished lawyers, in Slavin and Orillia, one of them the present Chief Justice of this court, differing about that particular thing. Can you assume, when you find gentlemen familiar with the particular subject, cannot agree about it, that the Imperial Parliament agreed as to what it should mean? Because you must carry the argument to the extent of saying that by necessary intendment the Imperial Parliament intended that the control of this traffic should pass under municipal institutions. I had intended to point out that in Slavin and Orillia there is a fair instance of where two distinguished lawyers differed about that very fact. How can you assume that there is any element of certainty which enables you to say with positive certainty what the Imperial Parliament intended?

*Strong, J.*—They were near the confines of the power there, but here we have power within the boundary line, because for all time licenses such as these have been a matter of local regulation.

*Mr. Bethune.*—I agree with your Lordships, in England, it is true, they were; but the control is exercised, not for mere local purposes, but for Imperial purposes, and it must necessarily be exercised in the locality, of course.

*Ritchie, C. J.*—In anything that ever took place in this country, so far as I can gather, those local licenses and hotels were never treated as matter of trade and commerce at all, but were treated as municipal institutions. Now, if it was intended to take this important matter away from municipal institutions, would they not have been more explicit upon it?

*Mr. Bethune.*—It seems to me, if they had intended the term "municipal institutions" to include that, in view of sub-section 9, they would have said so.

*Ritchie, C. J.*—At Confederation those who went home to look after the local interests, and local rights, and domestic rights, of the Provinces—if I may use the expression—if anyone had said: "Now, in the regulation of hotels, under trade and commerce, who will have the power of regulating the number of beds in a hotel?" would they have said the Dominion?

*Mr. Bethune.*—That, after all, is not so important as the sale of the commodity.

*Ritchie, C. J.*—When we get to that if you claim the right to regulate the sale of the commodity you can claim the other. If you take all that out of the Act there is very little left.

*Mr. Bethune.*—Suppose the Dominion said there shall be no liquor sold in the taverns at all, what would happen? It could not be sold at all, and the municipal power would have to yield and give way. Could there be any fair answer to that any more than there has been in the case of the Scott Act? If the Dominion Parliament laid down a rule that no liquor should be sold in a tavern at all, what answer could there be to the power of Parliament to deal with that? Is there any fair answer to be given to it at all? If Parliament has any control at all, Parliament has already said, and this court and the Privy Council have said, that except for the three or four purposes I have mentioned liquor shall not be sold. Very well; if they have the power to say that, as it has been determined, they have, I fail to see that there is any answer but one to be given to the question—could a law be passed, saying that no liquor shall be sold in a tavern?

*Ritchie, C. J.*—Can you see no distinction between Parliament saying there shall be no trade or commerce in liquor in the Dominion, except for these three or four purposes, and passing a law like this, regulating the dram shops and all those matters which would seem, at first sight, would be beneath the dignity of Parliament to say the least of it.

*Mr. Bethune.*—Anything necessary for the welfare of the people of Canada cannot be said to be beneath the dignity of Parliament.

*Gwynne, J.*—Supposing Parliament did pass such an Act, could not the Local Legislatures pass an Act regulating taverns?

*Mr. Bethune.*—Yes; but no liquor could be sold in them.

*Strong, J.*—What was the object of providing Local Legislatures at all, if it was not to deal with these small local matters?

*Mr. Bethune.*—In one sense, a wholesale shop is local.

*Ritchie, C. J.*—What can be more private and local in its nature than keeping hotel?

*Mr. Bethune.*—Take, for instance, the great Windsor Hotel in Montreal; I venture to say that ninety-nine out of every hundred persons who stop there are people residing outside of the Province.

*Ritchie, C. J.*—That is one case, but take the hundreds and thousands of little hotels outside of the cities.

*Mr. Bethune.*—I venture to say, from my experience of the hotels of the country that it is usually people outside of the locality who stop in such places.

*Gwynne, J.*—Yes, but they are there as guests of the proprietor.

*Mr. Bethune.*—I am referring now to the sale of liquor, which is the most important question before the court. It may be that the local authorities have the power to regulate the number of beds and so on, but what I am dealing with is the principal question, the sale of these liquors; the others are smaller in their character.

*Ritchie, C. J.*—The other point that you put there in this Act, that there shall be two floors in a hotel—what could be more local than that? Could there be any greater interference with a man's private rights than that?

*Mr. Blake.*—And the provender that he shall keep in the stable for horses?

*Mr. Bethune.*—Possibly these particular regulations to which you refer may be ultimately decided not to be within the power of Parliament. But take a wholesale shop; it must be admitted that that is within the control of Parliament. Could not Parliament say, as to a wholesale shop, how the sale shall be carried on in a particular building? Could not they say, for instance, as to particular kinds of commodities, that they shall be kept in an iron vault, or in an iron safe? Take gunpowder, for instance.

*Ritchie, C. J.*—That is not trade and commerce; that is police power.

*Gwynne, J.*—That is trade and commerce run into the ground.

*Ritchie, C. J.*—You say, if they choose to exercise the power; the Privy Council has decided that where one has the power the other has not.

*Mr. Bethune.*—My learned friend seemed amused at my suggesting gunpowder. Parliament, undoubtedly, under the criminal law has the right to deal with the question of gunpowder.



*Ritchie, C. J.*—So soon as they choose to strike any one of these police powers out of the police category, and bring it under the criminal law, they have the power to deal with it.

*Mr. Bethune.*—Surely the police power must be superseded by the general law.

*Ritchie, C. J.*—Certainly, because it says that criminal law has been given to the Dominion.

*Mr. Bethune.*—How are you going to limit the power of Parliament to deal with any regulation of that kind?

*Ritchie, C. J.*—As regards criminal law, they have the power to deal with anything affecting private or civil rights, or property. They have a right, if they choose, to make it a criminal offence for a man to build his house in a certain way, and there would be no dispute about it.

*Mr. Bethune.*—When this discussion began I was endeavoring to lead your Lordships to this point: to show that all the powers which were exercised by the municipalities before Confederation have undoubtedly not passed to the Local Legislatures; that a large part of the power to deal with subjects which, before Confederation, were dealt with by municipal and local bodies, is now under the control of Parliament. Mr. Burbidge has been good enough to collect these, and I will give your Lordships some of them. Take, for instance, 29 and 30 Vic., chap. 51, sub-section 9, the provisions of the municipal Act of Ontario, as to liquor licenses. You find section 249, sub-section 9, provides that every municipal corporation may make by-laws, amongst other things, for prohibiting the sale of spirituous and fermented liquors, provided the Act is approved of by the electors. That is prohibition, and that power, it has been decided in Russell and the Queen, falls to the Dominion Parliament.

*Strong, J.*—Of course, I am bound by the decision, but I cannot give a reasonable assent to it, put upon that ground.

*Mr. Bethune.*—Then there is the Dunkin Act, 27 and 28 Vic., chap. 18, the Acts of 1864, sections 1 and 2—prohibition again.

*Strong, J.*—In Slavin and Orillia the decision of the late Chief Justice is one which I cannot agree to. It has occurred to me that that might be interpreted as conferring a police power; and we may look at this prohibition in Ontario as showing that prohibition did come under the head of the exercise of the police power.

*Gwynne, J.*—They did not put it on that ground in the Act; they give express power for that particular purpose.

*Strong, J.*—I am talking about the interpretation of the term "municipal institutions."

*Gwynne, J.*—In that Act they give express power to do so.

*Strong, J.*—It not only gives express power, but everything which was delegated to municipal institutions may well be called an exercise of the police powers.

*Mr. Bethune.*—I am pointing out that it was only in the larger sense that a great many—

*Strong, J.*—Prohibition was an exercise of the police power, and was so regarded.

*Mr. Bethune.*—Section 269 of the same Municipal Act of 1866, sub-section 5, enabled them to pass by-laws for preventing cruelty to animals, the destruction of birds, &c. Now, the cruelty to animals power, undoubtedly is in the nature of criminal law; and you will find laws passed by the Dominion Parliament, in 1869, 1870, 1879 and 1880, on the subject.

*Strong, J.*—I should say, above all, that was an exercise of the police power.

*Mr. Bethune.*—But, is it not essentially a criminal law?

*Strong, J.*—Certainly not; the first Acts were not criminal Acts at all.

*Mr. Bethune.*—At all events, Parliament has dealt with it as criminal law lately. Take, for instance, this, which undoubtedly is sub-section 12 of the same section—for preventing the violation of cemeteries, graveyards, &c. That is one of the powers that were exercised by the municipalities before Confederation.

*Strong, J.*—That is criminal law.

*Ritchie, C. J.*—They may have exercised some special legislative powers of a criminal character.

*Mr. Bethune.*—Then, sub-section 14, of section 269, of the same Act, malicious injuries to property—

*Mr. Blake.*—I will admit, generally, that the Dominion has legislated on a great many of these matters, whether rightly or wrongly I will not say.

*Mr. Bethune.*—I am pointing out that there is a vast number of subjects on which Parliament has legislated which were under municipal institutions. Take section 269, sub-section 14, malicious injuries to property; section 284, sub-sections 3 and 4 of the Act of 1866, vagrancy, for instance, which has been dealt with since, and which I understand your Lordships dealt with under some similar statute before Confederation. Then, for suppressing gaming houses, seizing and destroying faro banks, &c.

*Ritchie, C. J.*—There were regulations with reference to cattle being abroad. The Legislature might declare that a person who allows his cattle to run at large without being cared for by a keeper, on the public streets, should be guilty of a misdemeanor; that would be criminal law. No doubt, if the Dominion chose to make that a criminal offence they could deal with it. In some parts of the country they were not allowed to run at large; in other parts, where the people were poor, they were allowed to run.

*Mr. Bethune.*—Then take section 283, which deals with weights and measures. All that power was exercised by municipalities before Confederation.

*Mr. Blake.*—We have lost that and cannot get it, and we are sorry for it. They have taken that out.

*Ritchie, C. J.*—Is not the argument on that rather against you? If they are taken out, they are taken out.

*Mr. Bethune.*—I am arguing that that is trade and commerce, and I am destroying that large term, "municipal institution."

*Strong, J.*—And you argue that the term "municipal institutions" does not confer the power on the Provinces to pass this Act?

*Mr. Bethune.*—Yes, my Lord. Then section 296 of the same Act gives power to pass by-laws for improving the public wharves, docks, shores, slips and bays, and regulating harbors, and even dealing with navigation—sub-sections 3 and 4. Now take sub-section 16 of the same section, which deals, amongst other things, with preventing the use of deleterious substances in making bread. That has been legislated upon in the Adulteration of Food Act. Adulteration of food is not enumerated there but it is treated as criminal law.

*Strong, J.*—Undoubtedly, unless it is dealt with as criminal law, I should think pre-eminently, that is a matter of police regulation.

*Mr. Bethune.*—But it has all been treated as a part of the criminal law.

*Strong, J.*—I have always doubted, and shall always doubt, until I hear some authority to the contrary, that these words, "criminal law," authorized Parliament to create new offences except felony and misdemeanor.

*Mr. Bethune.*—I understand that the distinction between civil and criminal law is that civil law deals with the rights of individuals, and criminal law affects the protection of the community. It does not matter whether it was intended for the protection of private rights or for the protection of the community.

*Strong, J.*—The House of Lords have decisively established that under the power to create criminal offences, no offence can be created but a felony or a misdemeanor.

*Mr. Bethune.*—That cannot be so when you are dealing with sovereign power. That would be applying a very restrictive view to the powers of government.

*Strong, J.*—You want to apply the literal canon of construction to section 92 that you apply to section 92.

*Mr. Bethune.*—I say, when it was intended to confer power on the Dominion and on the Legislatures, it was within their own spheres, and criminal law being within the sphere of the Dominion—



*Strong, J.*—Criminal law provides for the creation and punishment of offences, and under the common law of England there are no offences known except felony and misdemeanor, and any new offences must fall within one or the other of those terms.

*Mr. Bethune.*—It might be made an offence against the community.

*Ritchie, C. J.*—If they declare that it shall be illegal to do a thing, then it becomes a misdemeanor to do that thing.

*Strong, J.*—Can they, under that, provide for the summary jurisdiction?

*Mr. Bethune.*—I should say so.

*Strong, J.*—Take away trial by jury in criminal cases?

*Mr. Bethune.*—As a matter of fact, they have been doing that ever since Confederation. They base the power of regulating punishments—

*Strong, J.*—You think they can inflict any punishment however unusual?

*Mr. Bethune.*—Yes, my Lord; they are to be the sole judges, just as the Imperial Parliament might impose any punishment however unusual.

*Strong, J.*—I do not think so. I think criminal law means the creation of offences which shall be either felony or misdemeanor.

*Mr. Bethune.*—Then there is a clause which relates to the transportation of dangerous material. The Dominion has since legislated on that subject, and that is essentially criminal law.

*Ritchie, C. J.*—And belongs to the Dominion; no one can deny that.

*Mr. Bethune.*—Recently in England, under the dynamite law, the keeping of those combustibles was made a criminal offence *per se*. In the Province of Quebec a good many similar powers were exercised by the local municipalities—Liquor License Act, weights and measures, suppressing sales on Sunday, storage and carriage of gunpowder, &c. Take the Revised Statutes of Nova Scotia, third series—the fisheries, for instance, were under the control, by No. 1, chap. 103, sec. 2—the whole fisheries administration, at that time, was placed under the control of magistrates, and undoubtedly the fisheries now are under the control of the Dominion Parliament. Take sub-section 7, chap. 103, Revised Statutes of Nova Scotia, section 2, which placed the control of the fisheries under the control of the local magistrates to a very considerable extent. It gave them power to make regulations of various kinds. Then, sub-section 7 enables them to make regulations for preventing the obstruction of the navigation of rivers by booms. Sub-section 17 apparently gives the same power; these same local commissioners had power, apparently, to appoint harbor masters. Under section 21 they exercise powers as to the loading and unloading of ships.

*Ritchie, C. J.*—That is navigation and shipping. I see no reason why, because they have taken some of the local powers, that we should sweep away the balance. I do not think the sweeping away of some of them should be made a reason for sweeping away the whole of them.

*Mr. Bethune.*—Then take the fisheries; by chap. 95 the fisheries are placed under the sessions.

*Strong, J.*—With the view I have of your case at present, I do not think I would be doing you or the court an injustice by asking you to shorten it.

*Mr. Bethune.*—Take the case of New Brunswick; we find in the Revised Statutes of New Brunswick the powers of the municipal councils defined—powers given by section 10, sub-section 1, to the local bodies, powers of establishing ferries. Now, inland ferries wholly within the Province belong to the county council, under the control of the Legislative Assembly, or legislative bodies, when they are wholly within the Province. Chapter 64 of the Revised Statutes of New Brunswick give the sessions, amongst other things, power to regulate the management of public docks, wharves, landings, &c. Then, sub-section 11, for the regulation of seines, for the regulation of pilots, now embraced under the head of navigation and shipping. We find, therefore, a considerable number of cases in which powers, some of them enumerated in section 91, some of them not enumerated; but undoubtedly, I think, they are now within the control of the Dominion Parliament, which were formerly exercised under

the head of municipal institutions. I say, therefore, you cannot get any certain light or guide to be exercised merely from the practice of those local powers before Confederation, because there is nothing to indicate that they intended to continue those powers. On the other hand, there is everything to show that they did not intend to continue in these bodies the same powers after Confederation to the same extent that they had before. Then I say in the same way the regulation of trade reaches to other subjects. Take pilots for instance.

*Ritchie, C. J.*—That comes under the head of navigation and shipping.

*Mr. Bethune.*—In the same way, I say this comes under the head of trade and commerce.

*Ritchie, C. J.*—Take buoys; to this day they are under the charge of the corporation of St. John; under their charter.

*Mr. Bethune.*—I am dealing now merely with the practice before Confederation. Where is the line to be drawn? Is it to be drawn at the wholesale or at the retail tavern trade? Because, I venture to say, that so far as the trade in liquor itself is concerned, the whole of it is dispensed from three sources, so far as getting rid of the stock of manufacturers or imported liquors is concerned, and these three sources are shops, taverns and saloons. Was it intended that that control should cease at the wholesale, or must not that control be still exercised over the whole three? Is it not more reasonable to suppose that view than to suppose that under the vague term "municipal institutions" a large part of the control was intended to be given to these municipal bodies, because you have got the two opposing views. On the one side, we have the advocates of this measure saying that this is, in their judgment a necessary and proper regulation of trade; on the other side it is contended that this term "municipal institutions" carries with it, by implication, the right to deal with this, because that was done before Confederation. The Dominion Parliament answers that no certain light can be thrown by that, because they dealt with a number of things which are now dealt with by the Dominion Parliament.

*Strong, J.*—Where we have to ascertain what the police power included under the head of municipal institutions is, it is very important to take a general view of what these general Legislatures were in the habit of delegating to municipal institutions, not that the proceedings of any one Legislature afford an absolute standard but from the average of the whole we can ascertain what were those matters which by the general consensus, were delegated to the local authorities, and amongst those we find this power of licensing.

*Ritchie, C. J.*—And we find the Imperial Parliament distinctly intended that the municipal institutions should continue. You have pointed out a number that they have taken away: Surely the very circumstance of taking those away was an indication that, having mentioned municipal institutions generally without taking any away from them, it intended the rest to remain. Because some have been taken away we should not strive and struggle to find a reason for taking more of them away.

*Mr. Bethune.*—If you find in that way the logical result would be to include the wholesale trade.

*Ritchie, C. J.*—That is another point.

*Mr. Bethune.*—That is why I say the advocates of that view seem to be more logical than those who draw a line between the wholesale and retail; but that result would be to give no effect whatever to the words, "regulation of the wholesale and retail trade."

*Mr. Blake.*—It leaves a great deal; so far as police regulations are applicable to trade, wholesale or retail, police regulations are with the Province.

*Ritchie, C. J.*—In that view of the case I think prohibition was a direct interference with trade and commerce, and so it was taken from the control of the local authorities.

*Strong, J.*—The very object of Confederation was that the Province of Quebec which differed in race, language and laws from the other Provinces, should have the absolute control of those social matters, something, perhaps, more than social matters.



which were regulated by what is called the exercise of this police power. That was the very difficulty that brought about Confederation.

*Ritchie, C. J.*—And we know how exceedingly tender the Province of Quebec especially was about its provincial autonomy; we know also that the same feeling prevailed in the other Provinces.

*Strong, J.*—It is reasonable that the power of saying whether a particular traffic, which affects particular communities in a social aspect, should be continued or should be put an end to—it is reasonable to say that that should be left to the people in their provincial aggregations, rather than to the people of the whole Dominion. That is the argument, as I understand it; I do not for a moment pretend to say that that is the way it should be decided, but that is the way in which it was put.

*Mr. Bethune.*—I understand the Lords of the Privy Council to have based their decision on this Scott Act on the police power of the Dominion. I have said, also, what occurred to me of the effect of their concluding observations, but it is enough for me to say that they placed the Scott Act on the police power.

*Strong, J.*—If they had not decided the case of Hodge and the Queen, you would be entitled to say that they had decided it in the Russell case. You would say that, having determined the police power, respecting prohibition, is in the Dominion, it cannot be separated arbitrarily, and therefore your argument would follow, that the power of regulation is necessarily with them—that is, supposing the Scott Act stood alone.

*Mr. Bethune.*—The Scott Act is the controlling of existing institutions which it does not blot out altogether.

*Strong, J.*—It all goes back to Hodge and the Queen.

*Mr. Bethune.*—It is not an absolutely prohibitory liquor law in that sense. It is merely a restraining law, that is, it restrains consumption. Of course, it does not make it illegal to drink liquor if you can get it.

*Ritchie, C. J.*—I can buy it in St. John, put it in my pocket, and take it up to Fredericton, and drink it there if I please.

*Mr. Bethune.*—But you cannot import it into a county in which the Scott Act is in force.

*Ritchie, C. J.*—Not for sale.

*Mr. Bethune.*—If I am a vendor of liquor in a county in which the Act is not in force, I could not sell to another person liquor to be taken into a county in which the Scott Act is in force.

*Mr. Blake.*—For what purpose?

*Mr. Bethune.*—For any purpose.

*Ritchie, C. J.*—Do you mean that you could not sell it to another person to be taken into a county where the Scott Act is in force, for sale.

*Mr. Bethune.*—Yes, my Lord. I read the clause of the Act as meaning that he must prove that the liquor is not to be used in any county where the Act is in force.

*Ritchie, C. J.*—Suppose a resident of Fredericton chooses to buy in Montreal a lot of wine, and takes it to Fredericton, to his own private residence, he would not be subject to punishment?

*Strong, J.*—The judgment of the Privy Council ascribes the power to the police power, and your argument is, naturally, that you cannot arbitrarily divide that power; that Parliament either does not possess it, or possesses it in its fullest sense.

*Mr. Bethune.*—Grant that there may be, for the sake of argument, local legislation in the absence of Dominion legislation; grant that inherently those municipal bodies may make laws for the peace, order and good government of the municipality that, I take it, is the fullest extent that this can go. Take, for instance, regulations to promote order and quiet; there may be just as much disturbance in an unlicensed place as in a licensed place, perhaps more. Take the disorder in dance houses, where they have music and bands and amusements of various kinds. I take it that whether those persons are licensed or not this local power possessed by the local bodies for the purpose of keeping peace and order within the particular area—grant that they

have that power, it is not the power to be exercised over the liquor dealers in particular, but a power to be exercised over everybody who lives there. Grant that you may say, for the sake of argument, that it is necessary to have local power, under the head of municipal institutions conferred upon these municipal councils, for the purpose of good neighborhood, for the purpose of preventing a man in one house making a noise, by assembling people, who will create a disturbance; that may well exist under this police power, because the regulations which they make are regulations that are applicable to the whole community. If they have the power to make them they are binding upon everybody, upon unlicensed houses as well as upon licensed houses, but that does not carry the argument forward, as showing that there is any particular inherent power to deal with this liquor trade. It is, in fact, something unconnected with the particular business they are dealing with. It is something which may extend to a great variety of other occupations besides the occupation of hotel keeping, and may extend to persons who are not licensed at all. Indeed, from what everyone knows, there is greater noise at unlicensed shebeens and they are greater nuisances to the people living in the immediate neighborhood than those that are licensed and under control, and so, it seems to me, that the power of local regulation may exist without carrying with it the power to regulate these merely because they are hotels. In fact, if the power is worth anything it must be a power extending to everyone in the community. If it is necessary to be exercised, it must be exercised on the whole people in the community, and not merely in this particular class of traders. And so, in that way, it does not show that of necessity this local power was intended to control the liquor traffic merely. That seems to me to meet the argument of my learned friends. Then, to put it upon the necessity for local regulation, I answer that that necessity might exist quite apart from the subject altogether, whether or not these people have licenses from one power or the other, and so, it seems to me, that it is not a matter which can fairly be said to be embraced in "municipal institutions." Following out now the reasoning on which the Privy Council have placed the regulation exercised by means of the Scotch Act, it seems to me that while these local municipal regulations may well exist until Parliament has interfered, once Parliament takes the matter under its control and says we find either as a matter for the regulation of trade or as a matter of police, in which the welfare of the whole country is interested, we must regulate this particular trade, it is a mere matter of police, but in that way it seems to me that the reasoning upon which the Privy Council sustained Russell and the Queen is *a fortiori* applicable to this. And I will put it on this ground: undoubtedly, if you are going to exclude the thing altogether, there is no necessity for interfering. If you are going to drive it out of the country it must, *a fortiori*, apply where you are going to keep the trade, so that particular provisions should be made, as a matter of police, for uniformity throughout the whole country, to deal with that. It is very true, as your Lordships point out, that the word exclusive occurs, and there can be no overlapping power of. My learned friends spoke yesterday of concurrent legislation. Concurrent legislation, it seems to me, is a misapplication of terms. There may be concurrent power, but there can be no concurrent legislation. There may be a power, as pointed out by the Privy Council, which is exercised by the Province, and there may be concurrent power with the Dominion, but under no circumstances can you say that there can be concurrent legislation.

*Henry, J.*—If there is concurrent power, that concurrent power is power of legislation.

*Strong, J.*—Of course, the greater power supersedes when there is concurrent power.

*Ritchie, C. J.*—In agriculture the legislation of the Local Legislature is good until the Dominion Parliament legislates, and then the legislation of the local ceases.

*Mr. Bethune.*—Independently of the cases which are expressly called local power—



*Henry, J.*—In agriculture the intention clearly was to allow the Local Legislatures to appropriate any sums in addition to what the Dominion might appropriate.

*Mr. Bethune.*—I know there are several cases in which there are spoken of as concurrent powers, which are specially provided for, but independently of the enumerated cases which are spoken of as concurrent powers there are a number of cases which have been adduced from the decisions, in which it is quite clear that there is, by implication, concurrent power. Take that case of *L'Union St. Jacques vs. Belisle*. The remarks of Lord Selborne in that particular place —

*Strong, J.*—The way in which the question arose was this: Are the Local Legislatures limited altogether to their exclusive powers? The late Chief Justice Draper was strongly of the opinion that there were certain inherent powers of legislation in the Local Legislatures beyond those expressly mentioned in section 92.

*Gwynne, J.*—I do not see how the Dominion could have everything not reserved here if the Local Legislatures have inherent powers not mentioned in the Act.

*Strong, J.*—I deny that there is anything in the 91st section of the British North America Act saying that the Dominion shall have, exclusively, all powers not expressly given to the Provinces.

*Mr. Bethune.*—I think your Lordship will admit that the current of decision has been in that direction.

*Strong, J.*—It has been assumed that these Provinces had no existence prior to Confederation, an erroneous assumption altogether, and it has also been assumed that all that is not expressly given to the Provinces is exclusively reserved to the Dominion. Now, there are no words in the Act to that effect. The enumerated powers are exclusively given to the Dominion, but there is nothing to say that anything beyond the enumerated powers is exclusively given to the Dominion. It is out of the question to say that. The treaty rights of the Province of Quebec would be utterly gone and annihilated if you said that the corporate powers of the Provinces before Confederation were to be utterly wiped away by the British North America Act.

*Mr. Bethune.*—As far as I understand the decisions of the Privy Council, they seem to point to that. I should have thought the judgments of this court had settled that point, so far as this tribunal is concerned.

*Strong, J.*—I do not know that that point has been argued here before this Court yet.

*Mr. Bethune.*—Whether it has been argued or not, there are dicta to that effect. Now, in the case of *L'Union St. Jacques vs. Belisle*, there is expressly laid down there something equivalent to their being concurrence of power in other cases than those specially enumerated.

*Strong, J.*—It refers to other powers in the Provinces besides those exclusively reserved for them. Chief Justice Draper says a Province may have powers of legislation beyond those exclusively assigned to it.

*Mr. Bethune.*—I thought Lord Selborne referred to matters of a private and local nature. They had to meet the force of Mr. Benjamin's argument. What Mr. Benjamin said was this: Take a matter of bankruptcy, winding up of an insolvent corporation; could not the Dominion Parliament, by the general law, provide for the winding up of companies of all kinds, within which this would come. Apparently, it was put so forcibly that Lord Selborne, in *1 Cartwright*, says this:—

"Now, it has not been alleged that it comes within any other class of the subjects so enumerated except the 21st, 'bankruptcy and insolvency;' and the question, therefore, is, whether this is a matter coming under that class, 21, of bankruptcy and insolvency. Their Lordships observed that the scheme of enumeration in that section is to mention the various categories of general subjects which may be dealt with by legislation. There is no indication, in any instance, of anything being contemplated except what may be properly described as general legislation, such legislation as well expressed by Mr. Justice Caron, when he speaks of the general laws of governing *Failite* bankruptcy and insolvency, all which are well known legal terms, expressing systems of legislation with which the subjects of this country, and pro-

bably of most other civilized countries, are perfectly familiar. The words described in their own legal sense, provisions made for the administration of the estate of persons who may become bankrupt or insolvent according to rules and definitions prescribed by the law, including, of course, the conditions in which the law is to be brought into operation, the manner in which it is to be brought into operation and the effect of its operation. Well, no such general law, covering this particular association, is alleged ever to have been passed by the Dominion. The hypothesis was suggested, in argument, by Mr. Benjamin, who certainly argued this case with his usual ingenuity and force, of the law having been previously passed by the Dominion Legislature to the effect that any association of this particular kind throughout the Dominion, on certain specified conditions, to be exactly those which appear upon the face of this statute should thereupon *ipso facto* fall under the legal administration in bankruptcy and insolvency. Their Lordships are by no means prepared to say that if any such law as that had been passed by the Dominion Legislature it would have been beyond their competency, nor that, if it had been so passed, it would have been within the competency of the Provincial Legislature afterwards to take a particular association out of the scope of general law of that kind so competently passed by the authority which has power to deal with bankruptcy and insolvency. But no such law has ever been passed."—(6, Privy Council cases, page 32).

*Henry, J.*—That does not decide the question.

*Mr. Bethune.*—Your Lordship will see when you come to the particular matter it is the only way he could answer the argument of Mr. Benjamin. One of my learned friends yesterday referred to the fact that that law of the Province of Quebec would not come within the insolvent law, but it seems to me perfectly plain that it would. The distinction between bankruptcy and insolvency is, that bankruptcy deals with traders while insolvency deals with persons who are traders or not.

*Strong, J.*—Our own insolvent law is distinctly limited to trade.

*Mr. Bethune.*—That is a misnomer as applied to our law. Take any of the books dealing with bankruptcy or insolvency, and you will find that that is the correct term.

*Strong, J.*—In England they have reversed it and made bankruptcy applicable to non-traders.

*Mr. Bethune.*—All the legal writers and those who pay strict attention to the language have made that distinction. For instance, in New Brunswick—just as in Ontario—you have an insolvent law which applies to all classes of persons.

*Henry, J.*—In that case it was withdrawn because it was not really on the principles of bankruptcy, in this way: They said bankruptcy provides for the winding up of an estate to a trustee, but this is a mere postponement enabling persons not to go into bankruptcy but to provide for their stability. That is the judgment.

*Mr. Bethune.*—You will find, then, that that Act restrained the suit which could have been brought against them. It did not take away any part of the debt, but it was, to all intents and purposes, what one would call an insolvent law, because it did not provide for any discharge at all.

*Strong, J.*—Lord Selborne says, in this case of *L'Union St. Jacques vs. Belisle* :—

"Their Lordships do not decide it, but for the argument's sake they will assume it; certain matters being upon that assumption, all those which are not mentioned in the 92nd section, are reserved for the exclusive legislation of the Parliament of Canada, called the Dominion Parliament."

He assumed it for the sake of argument, but expressly refrained from deciding.

*Mr. Bethune.*—He did not think that an unsound view to take.

*Strong, J.*—Precisely, but he did not decide anything.

*Mr. Bethune.*—There might be control in a Local Legislature to wind up a merely local corporation under local law. That same body could have wound up under the general law.

*Strong, J.*—I am speaking of the general principle. I say that case of *L'Union St. Jacques vs. Belisle*, saves the general principle which I suggested, namely, that



the Provincial Legislatures are not confined to the exclusive powers given them by section 92 of the British North America Act.

*Mr. Bethune.*—They thought, at all events, that it was possible that there might be general jurisdiction in bankruptcy, which, when it was passed, might affect a particular matter which, in the absence of that bankruptcy, might be wound up under a merely local law. So, I say, this case does not determine the view that there can be a concurrence of power in that matter. Then, the *Citizen's and Parsons*, 1 Cartwright, page 292, lays down the rule to which reference has often been made, of the overriding effect of the powers exercised by the Dominion Parliament within its sphere. At page 38, 2 Cartwright, reference is made to the same principle—that is, the case of *Frederickton and the Queen*. In that, the Chief Justice of this court refers to the overriding or overbearing power of the Dominion Parliament in matters within its sphere. Then, in *Valin and Langlois*, page 198, Cartwright, Justice Wilson said that while they handed over to provincial courts the dealings in election matters, they could still sue according to the local law in force.

*Strong, J.*—I read a newspaper report of it in which it was said that Justice Duff held in New Brunswick in some election case, that Parliament could not confer jurisdiction on provincial judges. The Privy Council rejected the appeal.

*Mr. Bethune.*—In this particular case they had the benefit of Mr. Benjamin's argument, so that it seems to me their observations in that case carry weight.

*Strong, J.*—They carry the weight of *obiter dicta*. They refused the appeal, and it was merely paternal advice to the courts of this country. I quite submit that I am bound by the solemn decision of this court, which heard the case argued.

*Mr. Bethune.*—Then I refer your Lordships to *Cushing and Dupuis*, page 258, 1 Cartwright. There we have another instance of the overriding power of Parliament. Undoubtedly, except for the fact of insolvency occurring in that particular case, the Local Legislature could have made a law for the purpose of dealing with the rights of a creditor against a debtor in the fullest possible way, but the moment the Dominion Parliament legislated, and insolvency occurring in that particular case, the law of the Local Legislature was overborne. Now we get to *Hodge and the Queen*, and I say that that case, in my humble judgment, can stand quite consistently, and that there is one way in which your Lordships can read it quite consistently with what I have submitted was decided in *Russell and the Queen* (9 Appeal Cases, page 117). Now it is to be borne in mind that what their Lordships say there, as his Lordship the Chief Justice has mentioned, is that they do not intend to depart (page 130) from the reasons expressed for their judgment in *Russell and the Queen*. Undoubtedly, in this case, the term municipal institutions was pressed upon their notice with great vigor. Then they go on to say that the principle on which *Russell and the Queen* was decided was this, that subjects which, in one aspect and for one purpose fall within section 92, may in another aspect and for another purpose fall within section 91.

*Gwynne, J.*—In other words, that the jurisdiction is not exclusive?

*Mr. Bethune.*—Yes, my Lord, that is what I understand; not exclusive in that sense.

*Strong, J.*—The power of legislating on such a subject as that involved in *Hodge and the Queen* is in both Legislatures?

*Mr. Bethune.*—That is as I understand it. I have no doubt that that was in the mind of the court.

*Strong, J.*—That one may pass a law one day, and the other may pass a law the next day superseding it?

*Mr. Bethune.*—Yes, my Lord, that a law may be passed by a Local Legislature for one particular Province, but Parliament may step in, and in the exercise of its general power, pass a general law which will supersede it.

*Strong, J.*—That will not do, because you cannot find a word in the Act making Parliament paramount. If they say that they mean the law which rules is that which comes last, and therefore the power of the Province may nullify the law of

Parliament as well as the legislation of Parliament overruling the law of the Province.

*Mr. Bethune.*—Bear in mind the question in the Hodge case was whether Province could make a law providing that after seven o'clock no billiard playing should take place in a hotel.

*Strong, J.*—That is part of the police power.

*Mr. Bethune.*—I am not prepared to say whether it is or not.

*Strong, J.*—You will not concede that?

*Mr. Bethune.*—No, my Lord, I will not concede that for a moment. Before Confederation, I do not know whether it was in the Lower Provinces or not, but in Ontario or Quebec there were municipal regulations respecting billiard tables. Now as illustrating the powers, as far as billiard tables are concerned, suppose there were local regulations properly made by these local bodies in reference to billiard tables could not Parliament supersede these local regulations under its police power? Suppose they thought that billiards became a national vice—and I use that term because I find in the case of Russell and the Queen that drunkenness is spoken of as a national vice—suppose they found young men became so addicted to billiards as to sap their morality, and a Parliament passed an Act to suppress it?

*Strong, J.*—Sir Robert Collier refers to drunkenness as being peculiarly the national vice of Canada.

*Gwynne, J.*—Until they recognize us as a nation they cannot speak of it as a national vice.

*Strong, J.*—He spoke as if all Canadians were addicted to drinking. In speaking of the conditions of an insurance policy and the enquiries proposed to parties—"is the plaintiff addicted to the use of stimulants?" The answer was "no," and the objection to the policy was that the answers were so false as to be fraudulent. And his Lordship alluding to that says that Canadians are in the constant habit of using stimulants, and no one can answer that question in the way it was answered without stating it was false.

*Henry, J.*—I hope he was not judging of Canadians by the specimens he met in London.

*Mr. Bethune.*—I was dealing, for a moment, with the question of billiard tables. For the very reasons which are referred to as the foundation of their judgment in Russell and the Queen for Parliament to pass a general law saying either that billiard tables should not be used throughout the country for hire, or the extent to which they should be used. So you will find what was present in the minds of their Lordships as to the effect of superseding law, just as we find the effect of overriding law in Cushing and Dupuis.

*Strong, J.*—Then you say the same law which was the subject of consideration in Hodge and the Queen could, under the authority of Russell and the Queen, be cast passed by Parliament.

*Mr. Bethune.*—Yes, my Lord, a general law extending to the whole country. I say there is no other way, in my humble judgment, of reconciling the two cases, and I think that they meant, and they are dealing with it in that way.

*Strong, J.*—That is the only way in which you can reconcile the two cases, any exclusive power of the Local Legislature may be exercised by Parliament, they say by generalizing it. That is my proposition in the early part of the argument.

*Mr. Bethune.*—Yes, my Lord, where it comes fairly within the class of matter which may be said to be for the peace, order and good government of Canada, in the same way as the Scott Act.

*Ritchie, C. J.*—They seem to have a very great way in their judgment to create a contrary impression.

*Mr. Bethune.*—You have to read the whole of it together. It is the only way to reconcile the judgments. There were two objections raised in the court below, in the Queen's Bench. The matter was removed by a writ of *certiorari* to the Queen's Bench —



*Ritchie, C. J.*—That was not on that branch of the subject because after that they then discussed this question about the delegation, because it says:—

"If, as their Lordships have decided, the subjects of legislation come within the powers of the Provincial Legislature, &c."

*Mr. Bethune.*—If your Lordships will bear with me while I state the history of the case, you will see what is there written must have had reference to that particular point. The way the matter arose was this: Mr. Hodge was brought before the police magistrate at Toronto. The police magistrate fined him for breach of the billiard regulation. The matter was taken to the Queen's Bench, and the three judges concurred in the view that there could be no delegation of power; that, granting the Provincial Legislature might, itself, have made these regulations, being a limited jurisdiction, it could not extend its power to its own creation. Justice Haggarty pointed out that it was to be distinguished on what is called the ground that it was what is called conditional. Then the matter got into the Court of Appeal, and the Court of Appeal held that there could be power of delegation, that the *plenum iurium* prevailed, and therefore the Legislature could delegate to anybody the right to make a law which they themselves had the power to make.

*Mr. Irving.*—But the Court of Appeal having gone so far, had to go on and pronounce that the law which the Legislature had passed was a valid law.

*Ritchie, C. J.*—This is what the Privy Council say, in their judgment:—

"Their Lordships consider that the powers intended to be conferred by the Act in question, when properly understood, are to make regulations in the nature of police or municipal regulations of a merely local character for the good government of taverns, &c., licensed for the sale of liquors by retail, and such as are calculated to preserve, in the municipality, peace and public decency, and repress drunkenness and disorderly and riotous conduct. As such they cannot be said to interfere with the general regulation of trade and commerce, which belongs to the Dominion Parliament, and do not conflict with the provisions of the Canada Temperance Act, which does not appear to have, as yet, been locally adopted."

They there say, as clearly as language can convey meaning, that what is contained in that Act comes within the exclusive powers of the Local Legislature of Ontario and does not conflict with the Dominion powers.

*Mr. Bethune.*—In the same judgment they say—

*Strong, J.*—They say the legislation comes under sub-sections 8, 9, and 15 of the British North America Act; does not section 8 convey exclusive powers?

*Mr. Bethune.*—Subject to the control of the Dominion Parliament, but they point elsewhere that Parliament has not legislated on the subject.

*Strong, J.*—How can an exclusive power be subject to control? It is a contradiction of terms.

*Henry, J.*—It is not the control of Parliament that is intended by the legislation, but it is a definition of the powers that each one shall immediately possess.

*Mr. Bethune.*—Look at what was contended by Mr. Kerr. What do you mean by the language used in section 130? "The principle which that case (meaning *Russell vs. the Queen*) and the case of the Citizen's Insurance Company illustrate, is that a subject, which in one aspect and for one purpose falls within section 92, may, in another aspect and for another purpose, fall within section 91."

*Henry, J.*—I do not see any difficulty.

*Gwynne, J.*—I understand what they mean by that is this: That although it may be said the municipal regulations in that Act may affect, to a certain degree, the trade in liquor, yet it does not do so in the sense that trade and commerce is generally used in.

*Ritchie, C. J.*—Insolvency touches civil rights and property, yet in one aspect they deal with it.

*Strong, J.*—Trade and commerce. When you come to sub-section 8, save in so far as police power is connected with trade and commerce, no interference by Parliament is justified under the heading of municipal institutions.

*Mr. Bethune.*—Look at the observations of Mr. Kerr. Mr. Kerr contended that the Provinces have not the power to change their constitution so as to take more extended power than they had been given; that they might qualify it but not extend it, and therefore if they did not have the power by this section, they could not by any legislation of theirs amend their constitution so as to assure it. Then he referred to the case of Dobie and the Temporalities Board. This is a recital of what he had argued in reply. Then follows the recital of the terms of the Act and the judgments &c., and we get then to what it was that the case was placed upon. In the judgments their Lordships say:—

“Mr. Kerr, Q. C., and Mr. Jeune, in their full and very able argument for the appellant, informed their Lordships that the first and principal question in the cause was whether the ‘Liquor License Act of 1877,’ in its 4th and 5th sections”—the 4th section gave the power and prescribed the regulations under which the license should be held, and the 5th provided a punishment—“was *ultra vires* of the Ontario Legislature, and properly said that it was a matter of importance as between the Dominion Parliament and the Legislature of the Province.” Then follows an extract, which is unimportant as to the mode in which these judgments should be interpreted. Then you find the following:—

“The appellants contended that the Legislature of Ontario had now power to pass any Act to regulate the liquor traffic; that the whole power to pass such an Act was conferred on the Dominion Parliament and consequently taken from the Provincial Legislature by section 91 of the British North America Act, 1867; and that it did not come within any of the classes of subjects assigned exclusively to the Provincial Legislatures by section 92.”

Then they review the ground of objection to Russell and the Queen, namely that it was an invasion of civil rights and property in the Province. Then they say

“Their Lordships in that case, after comparing the Temperance Act with laws relating to the sale of poisons, observe that: ‘Laws of this nature, designed for the promotion of public order, safety of morals, and which subject those who contravene them to criminal procedure and punishment, belong to the subject of public wrongs rather to that of civil rights. They are of a nature which fall within the general authority of Parliament to make laws for the order and good government of Canada.’ And again: ‘What Parliament is dealing with in legislation of this kind is not a matter in relation to property and its rights, but one relating to public order and safety. That is the primary matter dealt with, and though incidentally the free use of things in which men may have property is interfered with, that incidental interference does not alter the character of the law.’ And their Lordships’ reasons on that part of the case is thus concluded: ‘The true nature and character of the legislation in the particular instance under discussion must always be determined, in order to ascertain the class of subjects to which it really belongs. In the present case it appears to their Lordships, for the reasons already given, that the matter of the Act in question does not properly belong to the class of subjects, property and civil rights, within the meaning of sub-section 13.’”

Then occurs this extract which I read a moment ago, the double way in which you can look at a law—looked at in one aspect it is within the power of Parliament, and looked at in another aspect it is within the power of the Legislatures.

*Gwynne, J.*—That applies to trade and commerce.

*Mr. Bethune.*—I am not able to see the difference between that and peace, order and good government, because it seems to have, in the light of their own decisions as much force as the other: “These seem to be all matters of a merely local nature in the Province.”

*Gwynne, J.*—Do they not mean by that they are therefore within the enumerated subjects of section 92?

*Mr. Blake.*—They end their sentence that way.

*Mr. Bethune.*—What I say about that is this: all that observation must be understood as applying to that regulation as to billiard tables; that was the particular matter before them, and with which the matter was introduced to the council. They



say this is a merely local regulation, and inasmuch as that may or may not for one purpose fall within the parliamentary regulation it may for another purpose fall within local regulations. Then they further on say:—

“Their Lordships consider that the powers intended to be conferred by the Act in question, when properly understood, are to make regulations in the nature of police or municipal regulations of a merely local character for the good government of taverns, &c., license for the sale of liquors by retail, and such are calculated to preserve in the municipality peace and public decency, and repress drunkenness and disorderly and riotous conduct.” Now, come the words which limit what has been said—“as such they cannot be said to interfere with the general regulation of trade and commerce which belongs to the Dominion Parliament, and do not conflict with the provisions of the Canada Temperance Act, which does not appear to have as yet been locally adopted.”

Now I say that that means this: it is not to be confined merely to the provisions of the Canada Temperance Act, but applies to any law of the same nature as the Canada Temperance Act.

*Ritchie, C. J.*—Because it must be read with reference to the Canada Temperance Act, because if that Act is in force, then away go the regulations.

*Mr. Bethune.*—I submit that we have a right to read it as referring to any law of a similar character.

*Strong, J.*—If the Dominion Parliament had immediately afterwards passed a law containing an enactment in so many words the same as that which was the subject of prosecution in Hodge and the Queen, away would go the previous legislation. Supposing they pass a single statute containing the very same clause as that under which the prosecution was instituted in Hodge and the Queen, according to that argument the provincial legislation, which was held good there as being within the exclusive power of the Province, would become void?

*Mr. Bethune.*—Certainly, if that were made general throughout the Dominion, and that follows in other cases which have been cited.

*Strong, J.*—What does the whole of that conclusion amount to? It cannot be said to interfere with trade and commerce, neither can it be said to be an interference with the Canada Temperance Act, which, if it had been an interference with it, would have been void. They say: “we have held the Temperance Act to be good; and if this Act had been an interference with the Temperance Act it would have been void.”

*Mr. Bethune.*—I say the language is limited, because suppose there had been some amendment in the same direction, founded on peace, order and good government in the Province, manifestly the same language would apply to it then that applied to it while it was in the same state in which it was when before their Lordships:

“Their Lordships are, therefore, of opinion that in relation to sections 4 and 5 of the Act in question, the Legislature of Ontario acted within the powers conferred on it by the Imperial Act of 1867, and that in this respect there is no conflict with the powers of the Dominion Parliament.”

I think that can only mean that there is no conflict with the laws of the Dominion Parliament.

*Gwynne, J.*—Always trade and commerce; it is the only way it could be.

*Mr. Bethune.*—Read it as applicable to this billiard regulation if you choose; it does not follow—

*Ritchie, C. J.*—They do not confine it to that; they refer it to the general scope of the whole Act.

*Gwynne, J.*—It does not interfere with trade and commerce, nor does it interfere with any power such as is exercised under the Canada Temperance Act, and is there any other power granted in section 91 that it would contravene?

*Mr. Bethune.*—What I say is there is no distinction here between such a power as we have got there and the Canada Temperance Act.

*Henry, J.*—They do not limit to these two matters. They say to any of the powers of Parliament.

*Gwynne, J.*—Is there any other that it could come within?

*Mr. Bethune.* I do not know of any.

*Strong, J.*—In Russell and the Queen they say it belongs to the Dominion, and in Hodge and the Queen they say it belongs to the Provinces, and Hodge and the Queen is the latest case.

*Ritchie, C. J.*—They say that regulation does not belong to the Dominion. They say it exclusively belongs to the Provinces.

*Strong, J.*—I ventured to advance the proposition that any distinction in that respect between the prohibition and the regulation is purely arbitrary.

*Henry, J.*—They may in this way, that if the Dominion Parliament are authorized to make a general law by what they may conceive to be for general purposes and without the slightest reason, then of course the argument is sound.

*Mr. Bethune.*—That, no doubt, would be quite true; if they had said nothing about Russell and the Queen the later judgment would prevail; but what they say in effect is "we stand by the reasons that we urged in Russell and the Queen."

*Strong, J.*—Then it follows that they make a purely arbitrary distinction, and I defy anyone to suggest any reasonable distinction between regulation and prohibition—but they make it. They say when it amounts to prohibition because of the interference with the trade of the country, or some other ground, it belongs to the Dominion, but when it is mere regulation, as it is in this case, and nothing more, it belongs to the Province; that is what they said.

*Mr. Bethune.*—We are bound to give effect to both of the judgments if possible. They intended that some effect should be given to both, and the way in which it seems to me effect can be given to both fully is by reading them in the light of the particular matter they had before them in Hodge and the Queen, that is in respect to billiard tables—which body had the power to regulate them. Read in that way there is no conflict; read in that way, Russell and the Queen would imply, *prima facie*, simply what it seems to imply, that it is a mere matter of local regulation, and the municipal bodies may make regulations which are as binding on these license holders as on every other member of the community.

*Ritchie, C. J.*—How could they have exclusive right to make those regulations if it had been held that the Dominion has the right?

*Mr. Bethune.*—That difficulty occurs, I admit.

*Ritchie, C. J.*—They put that forward in as strong language as could be used to emphasize that, this they were now determining was a matter exclusively within the jurisdiction of the local authorities.

*Mr. Bethune.*—They say they are subjects which may be exclusively within the jurisdiction of both—within the exclusive jurisdiction of one for one purpose, and within the exclusive jurisdiction of the other for another purpose.

*Strong, J.*—Then, Sir Barnes Peacock does not follow the advice which his learned colleague, Sir Montague Smith, gives this court in the case of Parsons and the Citizen's Insurance Company—to stick to the case in hand. Yet, here they go out of their way to say that there may be cases in which the same power—it is put in a rather peculiar way—may be exclusively exercised by both Legislatures.

*Ritchie, C. J.*—If that meaning is correct, how easy to have said in a couple of lines that the general right to deal with all taverns and licenses, wholesale and retail is in the Dominion of Canada, but small local matters, such as keeping a billiard table, may be dealt with by the local authorities.

*Mr. Bethune.*—I do not know what else they could have meant by the double exclusive power.

*Henry, J.*—The power generally of regulating trade and commerce is given to Parliament. Now, what I understand by that judgment is this: The Local Legislature, up to their jurisdiction over the subject matter, may control trade and commerce. They can control it for one purpose, but that it is not to interfere with the general power of Parliament to control trade and commerce in other respects.

*Ritchie, C. J.*—They go further; they say this description of control exercised by the Ontario Legislature does not interfere with trade and commerce, that it is a merely local matter.



*Mr. Bethune.*—What I understand by that is this: That Parliament might, as applied to this particular subject, if it undertook to regulate the whole trade throughout the Dominion, might as part of that regulation enact the same kind of law which, as a mere matter of local concern, unless Parliament did regulate it, would be a mere matter of police regulation.

*Mr. Blake.*—Then it would not be exclusive power.

*Mr. Bethune.*—I am not prepared to say that all the powers are exclusive. They are exclusive when used for one purpose.

*Ritchie, C. J.*—They say they are exclusive; must I not believe them when they say so?

*Mr. Bethune.*—You must also believe them when they say that Parliament may make exclusive laws of the same kind for another purpose. That, it strikes me, is the meaning of the language, if it means anything, and so it would be within the power of the Dominion Parliament—

*Ritchie, C. J.*—If their language, taken in its ordinary signification, is so clear, is it not best to accept it as such? and is it not for the Lords of the Privy Council themselves, if there to be—

*Strong, J.*—Do they not mean that under the power of regulating trade and commerce, Parliament can prohibit the sale of intoxicating liquors, and under the power contained in sub-section 8, municipal institutions, the Local Legislatures may also prohibit? Parliament may prohibit the sale in the exercise of trade and commerce; that power will be inoperative if the Local Legislature has previously prohibited.

*Mr. Bethune.*—In Russell and the Queen, they said the Local Legislature could not.

*Strong, J.*—I do not understand what they mean by that expression. It is almost impossible to arrive at what they do mean.

*Mr. Bethune.*—Once Parliament undertook to regulate the trade throughout the whole Dominion, as part of the power of the Dominion, they might undertake to prescribe regulations which might be of general effect throughout the whole country, but until they did regulate, those same regulations might possibly be made by a local body.

*Ritchie, C. J.*—This matter, legislated upon by the Legislature of Ontario, did not come within trade and commerce.

*Mr. Bethune.*—That is the aspect in which the Local Legislature was dealing with it; that is a mere matter of police.

*Strong, J.*—This is a matter of police.

*Mr. Bethune.*—I know, my Lord, but local police; but when Parliament, for the regulation of the whole trade of the Dominion, undertook to deal with it, it fell within the power of Parliament.

*Strong, J.*—That is a pernicious doctrine, which is condemned by President Hammond, that Parliament may make any local power a Dominion power by just generalizing it under the peace, order and good government clause.

*Mr. Bethune.*—Unfortunately, I am afraid there is a great deal of authority against President Hammond on that point.

*Henry, J.*—Is it not common sense, that if a Local Legislature has the exclusive right, that surely the mere declaration by the Dominion that they want to generalize it, will not deprive them of that right?

*Mr. Blake.*—In one aspect it may be dealt with by the one Legislature; and the subject matter, in another aspect, may be dealt with by the other. What I think is a reasonable instance of it is this: We saw in the paper yesterday that commercial relations between Spain and this country were the subject of discussion. The same matter may be dealt with by the Dominion, in the case of a shipload of goods coming from the Mediterranean ports to Canada. You may deal with that, and make your rules and regulations, but the moment it comes within the Province it becomes a matter of police regulation; so you may take the subject matter, and deal with it in

one aspect, and it is trade and commerce; and take the same subject matter in another aspect, and deal with it as a police regulation, and both are exclusive.

*Strong, J.*—It is almost impossible to suppose that the Provinces can have the power to legislate in one aspect, and the Dominion in another, on the same subject, and both be exclusive.

*Henry, J.*—Trade and commerce is a general subject the Local Government may very properly attribute to itself certain powers under the Act, and the Dominion other subjects. One man may have a farm, and use part of it for one purpose, and another may use another part of it, and use it for another purpose.

*Strong, J.*—For instance, the Dominion may exercise the power of prohibition for the purpose of trade and commerce; and the Provinces may exercise the power of prohibition for the purpose of carrying out police measures; but then it is not the question what the purpose of the law is, but what the power itself is; and if the powers are exclusive, how can one exist if the other exists?

*Ritchie, C. J.*—Prohibition would interfere with trade and commerce, whereas police regulations would not.

*Gwynne, J.*—Can it be said that absolute prohibition of traffic in any particular article of trade that all persons must have, is the same thing as regulating the manner in which a particular person, as a tavern keeper who deals in the traffic in that article, nothing prohibiting it, and therefore legal, shall conduct his business in a particular locality, with a view to the preservation of peace and order?

*Mr. Bethune.*—No, my Lord; I say not.

*Gwynne, J.*—Then, there is no inconsistency between the two decisions.

*Ritchie, C. J.*—You say the Local Legislature has the power of prohibiting?

*Mr. Bethune.*—No, my Lord; I say they have not.

*Strong, J.*—That would reconcile Russell and the Queen, and Hodge and the Queen; and then the question would be under which authority this fell. If Russell and the Queen stood alone, the decision would be entirely warranted and established.

*Mr. Bethune.*—I submit that this may be sustained on the double ground on which it is put. The recital shows that it is put on twofold grounds, first as regulation of trade, and secondly as a matter for the peace, order and good government of the country. Now, what is put in some of the cases is, whether or not a similar Act could be passed by the Provinces. That test is put in one or more cases; it is put in the Russell case, and it is put in the Dobie and Temporalities case. It is put by Lord Robertson as an enquiry leading up to the particular subject. Then, your Lordships will remember that, in old Canada, an incorporation was formed of certain members of the Scotch Church in Canada. The head office was established as a fact in Montreal though it was not confined merely to Montreal. It dealt with property and civil rights in the two Provinces. They had certain real properties situated at Montreal and they had certain funds, out of which annuities were paid to certain clergymen in Ontario and Quebec. An application was made, in the first instance, to the two Provincial Legislatures of Ontario and Quebec for a change in the Act of incorporation, and it was thought that it would cover the whole ground inasmuch as the whole of the shareholders lived in either one Province or the other; and inasmuch as all the funds lay in either one of the Provinces or the other, it was thought that two Provincial Acts would cover the whole field. The application, as a matter of fact, was made for legislation here, which some of the gentlemen refused. The matter was raised in the Privy Council as to whether or not the two legislative Acts of Ontario and Quebec were not entirely void, and the question propounded was, could a Provincial Legislature have passed an Act which would cover the whole field? If it could not, it was totally void, unless it could deal with and could cover the whole ground. That is the way it was put. They said, "before you can carry out this you must get a legislative body which has control over every part of the particular subject," and they said, "inasmuch as we do not find it in either of the provincial bodies, you must go to the Dominion Parliament, which has got the residuum of power;" and so in that case, just as in Russell and the Queen, the inquiry is made, could a particular Provincial Legislature have passed the Act? If it could



not, then the other body must pass it, apparently appears to have been the answer. Now, tested in that way it is quite clear that you get here a statement that it was necessary to regulate the trade throughout the whole Dominion; tested in that way the answer is, that no particular local bodies could have passed it, and for these reasons it seems to me there was power to deal with it on that footing. Well, then, the question now arises whether or not the whole Act could—because, if I am right in the positions I have taken so far, that they had the power to regulate the traffic, either as a matter of regulation of trade, or as a matter of peace, order and good government of Canada, then little difficulty will be found in dealing with the subject; but now comes the difficulty, supposing your Lordships are of opinion that they had a certain power; supposing your Lordships are of the opinion that the Dominion Parliament had power over the wholesale trade and had power over the vessel trade as pertaining to navigation and shipping, then comes the question whether those parts of the Act which deal with the saloon and tavern trade would be valid. Because the Act, as applied to some subjects would be valid, and as applied to others might be invalid. The whole Act is declared—with some exceptions confined to taverns and places of that kind—to be applicable to several classes, the wholesale licenses, vessel licenses, shop licenses, tavern licenses and saloon licenses.

*Gwynne, J.*—The vessel license is retail, is it not?

*Mr. Bethune.*—Undoubtedly.

*Henry, J.*—With reference to section 2, which relates to peddlers' and auctioneers' licenses, where is the power to regulate them?

*Mr. Bethune.*—I do not know, my Lord; I could not conjecture where the power is, so far as peddlers are concerned.

*Mr. Blake.*—It must be the Dominion; it interferes with trade directly.

*Henry, J.*—They are all in the same category.

*Gwynne, J.*—Your contention is, that the wholesale trade, at least, is in the Dominion?

*Mr. Bethune.*—That, at least, is in the Dominion.

*Gwynne, J.*—State what clauses in particular you hold to be within the Dominion, even though we held as to liquor licenses it should not be within the Dominion.

*Ritchie, C. J.*—Auctioneers sell by wholesale just as well as by retail.

*Mr. Bethune.*—Yes, my Lord, I know, as a fact, they do.

*Ritchie, C. J.*—Is not the whole machinery of this Act to regulate the liquor traffic?

*Mr. Bethune.*—No, my Lord; my impression is that the whole Act would still stand as to the wholesale and vessel licenses, and with the exception of the clauses which deal with the number of rooms, and that sort of thing, all the rest are applicable generally to the whole Act.

*Gwynne, J.*—Those cannot apply to wholesale licenses.

*Mr. Bethune.*—Take, for instance, the clauses up to 41, which pretty well deal with the machinery whereby you get the licenses; all that, so far as I could see, would apply to the wholesale.

*Mr. Blake.*—Where does it say to whom you are to apply for the wholesale licenses?

*Mr. Gregory.*—Do you think the court can declare that section good if it was all struck out except the wholesale?

*Mr. Bethune.*—The question put in the Order in Council is, whether the Act, or any part of it, is valid. If the clauses are good for any purpose, I suppose they could not be declared invalid except as to certain classes. You observe the question is general—"Are the following Acts, in whole or in part, within the legislative authority of the Parliament of Canada?" It might be applicable to wholesale and retail shops, and yet might possibly not be applicable to saloons or taverns.

*Mr. Irving.*—There are no conditions to be prescribed by the Commissioners with reference to wholesale licenses.

*Gwynne, J.*—We certainly ought to be assisted by being told what portions of the Act are considered in force. If we are to read the whole of this Act in order to

find out where some portions of it are in force and what are not, we should have some assistance.

*Mr. Bethune.*—I am coming to that now. I point out in reply to the question which is put, that the Act may be in force for some purposes and not for others. That would necessitate, once we knew the rule on which the court would act, going through the Act and ascertaining what parts are in force and what are not. For instance, one might form an opinion that taverns and saloon licenses might not be valid.

*Gwynne, J.*—We are asked whether these clauses are in force as expressed—for the purpose for which they are expressed to be in force.

*Mr. Bethune.*—Take section 5, that would be in force if any part was in force. That appoints a Board of License Commissioners.

*Mr. Blake.*—If they have nothing to do, what are they for?

*Mr. Bethune.*—The wholesale licenses have to be issued, and therefore the clause is in force.

*Gwynne, J.*—They are in force as to the wholesale, perhaps.

*Mr. Bethune.*—Yes, that is what I ask your Lordships to decide.

*Gwynne, J.*—Are there any others in force?

*Mr. Bethune.*—Yes, my Lord, quite a number. The penalties for instance. Section 5 is in force in any event. Section 4 would have to be in force, and section 2 would be, as far as it goes, because it affords a definition of the words in the subsequent portions of the Act. I contend, in any event, even suppose you should decide that tavern and saloon licenses come under the operation of Hodge and the Queen: because it is said there is a power to regulate them that that would not necessarily apply to retail shops because they were dealing at that time with the subject of licensed taverns, and different considerations might still apply to your Lordships' construction of this Act in arriving at how far this Act is valid. Section 6, I contend, would still be in force.

*Mr. Davie.*—What has he got to inspect?

*Mr. Blake.*—He must get his salary I suppose.

*Mr. Bethune.*—Section 7 would be in force, part of it at all events. There is a class of clauses which deal with local options which are in force at any event within the machinery of the Scott Act. Section 32 would be in force even if you held the whole of the rest of the Act void.

*Gwynne, J.*—That would not be in force if the tavern licensed portion were not.

*Mr. Bethune.*—Yes, my Lord, because it is total prohibition.

*Mr. Blake.*—"No license under this Act"—that is to say if this Act is sustained, but if the Act tumbles to the ground that falls with it.

*Mr. Bethune.*—Then section 47 is for the purpose of carrying that out. It is not distinguishable from the Scott Act at all.

*Henry, J.*—If the local authorities are authorized to issue licenses exclusively that Act could not possibly have any effect whatever.

*Mr. Bethune.*—Look at clause 34 and you will see that a distinction is drawn between it and section 32. Section 32 declares that no license of any kind shall be issued except under certain circumstances, while section 34 refers to licenses under this Act. Before a man can get a wholesale license he must make an application, signed by petitioners. What I am endeavoring to point out is the general scheme of the Act relates to all kinds of licenses. You have got to go before a board, &c.

*Gwynne, J.*—Could you show me that they can petition against a wholesale license?

*Mr. Bethune.*—Very likely not. Suppose you came to the conclusion that the whole of the rest of the Act is bad, you still have to determine whether the 32nd and 47th are good. You will find that 47 Vic., chap. 32, sec. 13, makes no doubt about that. It puts a construction upon these two sections, 32 and 47.

*Gwynne, J.*—That applies to wholesale.

*Mr. Bethune.*—That would apply to everything I think.



*Gwynne, J.* If they cannot grant it for shop, tavern and saloon licenses, then it can only apply to the wholesale; it is not prohibition in the sense of prohibiting a board established by the Act of the Local Legislature.

*Mr. Bethune.*—As I understand that would equally apply whether the Provincial authorities have power or not. It provides in effect that the electors of a particular locality may themselves, by a vote, bring about prohibition.

*Gwynne, J.* No, it provides that this power shall not issue licenses. "No licenses shall be granted by the Board"—what Board?

*Mr. Bethune.*—Does it not mean that no license shall be issued?

The Court adjourned until to-morrow at 11 a.m.

OTTAWA, Saturday, 27th September, 1884.

*Mr. Bethune.*—The term "municipal institutions" has been used rather in the sense, it seems to me, of the regulation of traffic in the Provinces than as a regulation merely for the promotion of local order, if I may use the word; that is, order in the municipalities, and I submit that in that sense it is clearly a violation of the Dominion powers, assuming that this License Act of Ontario, and the License Acts of the Provinces are in truth—as I think they are when I come to look at them—regulations of trade. One cannot help feeling, reading the Ontario License Act, that it is really an attempt on the part of the Province to regulate that trade, wholesale and retail.

*Ritchie, C. J.*—I have read again the argument in Hodge and the Queen, and does not the Privy Council state exactly the reverse?

*Mr. Bethune.*—I know the dicta do go very far to separate them from the particular matter in hand.

*Ritchie, C. J.*—They say so in so many words, if I understand the language. They say: "Licenses for sale by retail of spirituous liquors within the municipality; for limiting the number of licenses; for declaring that a limited number of persons qualified to have tavern licenses may be exempted from having all the tavern accommodation required by law, and for regulating licensed taverns and shops, for defining the duties and powers of license inspectors, and to impose penalties for infraction of their resolutions. These seem to be all matters of a merely local nature in the Province, and to be similar to, though not identical in all respects with the powers then belonging to municipal institutions under the previously existing laws passed by the Local Parliaments." Now, are not those the very things?

*Mr. Bethune.*—I quite agree if that stood alone, irrespective of what they said in Russell and the Queen, and irrespective of the particular matter in hand, of course great force ought to be attached to them, but it is quite impossible that they could have used that language in the unrestricted sense in which anyone with a knowledge of Russell and the Queen would read it.

*Ritchie, C. J.*—They must read it in the light their Lordships gave it; they say the contention before them is that the Legislature had no power to pass an Act regulating the liquor traffic, and they say clearly that they have that power.

*Mr. Bethune.*—That is, they had it so far as was necessary to deal with the particular subject in hand.

*Ritchie, C. J.*—No, they could only put it on this footing: Sections 4 and 5 have nothing to do with the liquor traffic at all. Sections 4 and 5 have to do with the keeping of billiard tables, and of that they have the control. Had they separated them in that way, one could easily understand it, but they have not done so.

*Mr. Bethune.*—It was not necessary at all for the decision of the particular matter in hand that they should determine that, because I can well understand that there is a lesser ground on which it could be put, and I cannot see how the two can stand together in—

*Ritchie, C. J.*—Your difficulty would arise in this way: You say that keeping a billiard table might be a local matter, with which the Dominion had nothing to do, and with which police matters would have to do. Very well; if this Act passed,

with all these regulations that are in it, the Dominion might say that a tavern keeper may keep in his tavern, where liquors are sold, one billiard table. They might have a right to say that. Then, on the other hand, the Local Legislature comes in and says that in taverns where liquor is sold no billiard table is to be kept. Which should prevail?

*Mr. Bethune.*—That depends on who had the power to deal with the particular matter.

*Ritchie, C. J.*—Here they say clearly that the local have a clear right to deal with the hotel and billiard room. You say that the Dominion have a perfect right to deal with these, and to make whatever regulations they please with reference to the sale of liquors.

*Mr. Bethune.*—Yes, my Lord.

*Ritchie, C. J.*—Then, if they authorize the sale of liquor in a place where a billiard room is kept, why should the other come in and interfere with that?

*Mr. Bethune.*—Your Lordships will have to determine that. Your Lordships now will understand my position. The ground on which I put it is this: here is Russell and The Queen, which decides that certainly there is a measure of power in the Dominion Parliament, to put the lowest ground for it, and that measure involves, it seems to me, the whole question of the control of the trade. That is to say, they may absolutely prohibit; they say so in so many words. As a matter of fact, by implication, they say a great deal more. They say in Hodge and The Queen that it is not a prohibitive but a regulative law.

*Ritchie, C. J.*—I thought of that observation you made yesterday, but it does not appear at all to me inconsistent with the fact that they have a right to prohibit, with certain exceptions.

*Mr. Bethune.*—I see no inconsistency between them.

*Ritchie, C. J.*—But then to prohibit, with certain exceptions, and then taking the whole of the retailing selling in taverns is another matter altogether.

*Mr. Bethune.*—Part of what they have allowed in the Scott Act is undoubtedly retail selling. That is dependent on the quantity, and how you use the term. That brings me now to a matter that I to some extent observed upon yesterday, but as it is of vital importance I recur to it. How can you define the limit between wholesale and retail? Mere quantity will not do it, because in the various Provinces the quantities which formerly marked the dividing line between wholesale and retail stood pretty much this way: In Nova Scotia twenty gallons was the limit, I understand, above which you could sell under wholesale license.

*Henry, J.*—Without any license?

*Mr. Bethune.*—In New Brunswick the dividing line, as nearly as I can make out from the statutes, was a pint. That is, in New Brunswick you could sell, under a shop license, which I understand included the wholesale, any quantity over a pint.

*Ritchie, C. J.*—No, no, there is a difference altogether between wholesale and shop licenses.

*Mr. Bethune.*—What was the limit?

*Ritchie, C. J.*—I cannot remember the limit, but I take it shop licenses and wholesale licenses are not by any means the same.

*Mr. Gregory.*—I think your Lordship is mistaken; they were only divided into wholesale and retail licenses, and retail was synonymous with tavern license.

*Mr. Bethune.*—What I want to point out is the division. I have no knowledge of it, but I asked Mr. Gregory and he showed me the statute which I do not remember at this moment.

*Ritchie, C. J.*—By no possible construction or ordinary phraseology can a man who sells by the pint be called a wholesale dealer.

*Mr. Blake.*—I am perfectly willing to allow that to be the fact, if my learned friend chooses to say so, because it runs the whole thing into the ground. I will accept it as a fact at all events.

*Gwynne, J.*—You will accept the pint?



*Mr. Blake.*—Yes, my Lord, without question.

*Ritchie, C. J.*—Nobody will deny that there is a well understood wholesale trade and a well understood retail trade. I have always understood that the wholesale trade consisted of those who sold in packages. For instance, if you went down to a grocer and said "I want the wholesale price," you would not expect he would sell you a pound of candles at the wholesale price, but he would sell you the whole package in which it is imported.

*Mr. Bethune.*—Take a five gallon keg of whiskey—

*Strong, J.*—You can buy a case of champagne from a retail grocer in the original package in which it was imported.

*Henry, J.*—In one instance where exceptions were made in favor of sales in original packages, some parties imported large quantities of liquors in the holds of vessels in bottles. They said it was wholesale, because it was in original packages.

*Mr. Bethune.*—The Act 17 Vic., chap. 15, of New Brunswick, appears to have treated the wholesale and tavern licenses as covering the whole field. It provides that "no wholesale or tavern licenses shall be granted in any county in this Province unless the general Sessions, &c." Then section 11, "if any person shall directly or indirectly sell or barter any liquors without license, or wholesale dealer shall sell any quantity less than a pint, or shall allow any liquor to be drunk on his or their premises, every such person shall be liable for such offence, &c." Then follow some regulations somewhat like these as to selling to certain persons. Section 14 prohibits the sale of intoxicating liquors to minors, and then section 17 provides for the punishment of any tavern-keeper, inn-keeper or wholesale dealer who shall directly or indirectly persuade or induce any soldier to desert, &c., it seems as if the trade were divided in that way between the wholesale and the tavern trade.

*Gwynne, J.*—I do not know that that makes the line between wholesale and retail mean a pint.

*Strong, J.*—That is no test of the distinction between the wholesale and retail trade. There can be no abstract distinction between wholesale and retail, because it is a mere question of degree. A mere retail dealer may, if he chooses, make a wholesale trade.

*Mr. Bethune.*—Yes, a tavern-keeper may do that.

*Gwynne, J.*—A wholesale dealer, if not prohibited by law, may sell by retail.

*Mr. Bethune.*—Therefore, I say it is impossible to mark the distinction between the various portions of the trade.

*Strong, J.*—You will find in the different Provinces different regulations, and in the same Province different regulations at different times. That does not make any difference in what ought to be general definition of the police power.

*Mr. Bethune.*—Unless you have some well defined limit it does not seem to me that you can separate one portion from the other. Undoubtedly it is some part of the same trade, and it is only a question who may control it. Retail is only another branch of the trade, and I submit you cannot say that there is any difference as to quantity. One of your Lordships has remarked that a case of champagne in the original package may be a very small quantity, so that mere quantity in any way—the mere number of gallons, or bottles, or pints or whatever it may be—cannot be taken as a guide.

*Strong, J.*—You would not call a druggist who sells a bottle of eau de cologne wholesale dealer, because it is an original package?

*Mr. Bethune.*—Not at all, but suppose he sold a whole box?

*Henry, J.*—Mixed up with the question of prohibition, as decided by the Privy Council, there was this consideration: I felt at the time that if they had the power of prohibition and had not any further power, then comes the exercise of that power by the aid of the clauses in that Act—in the Canada Temperance Act—which gave them the right to say it may be sold for mechanical purposes, for medicinal purposes and for certain other purposes, under certain restrictions. If they had not the power, then, of controlling the liquor trade generally, that would interfere with the right of the Local Legislature to control the sale of liquors for these purposes, and

it would be in contravention to any regulations that they might make in regard to these purposes.

*Ritchie, C. J.*—I have never heard anything raised in the argument with reference to that except the broad proposition whether prohibition is with the Dominion or with the local.

*Mr. Bethune.*—Apparently, so far as the courts are concerned, that is only what appears to have been raised in the case of Fredericton and the Queen and in the case of Russell and the Queen.

*Ritchie, C. J.*—Just the broad proposition.

*Mr. Bethune.*—Though it seems to me it [was capable of being argued on the other ground, for the reason I mentioned yesterday, and I do not know why the point was not raised.

*Henry, J.*—The other point was capable of being raised.

*Mr. Bethune.*—I should have thought perhaps the reason that was so pressed and raised was on the principle of the greater including the less. They thought if the general proposition were entertained, that absolute prohibition was within the power of Parliament, it would follow that the regulation of the trade would also be with the Dominion. That is why in Fredericton and the Queen and in Russell and the Queen that point alone was pressed. Then it seems to me for the reason I have endeavored to indicate there can be no separation of the parts of the trade, and that either the whole of it belongs to the Provinces, and solely to be regulated by the Provinces, or none of it does. It seems to me there is no other logical way to look at the thing.

*Strong, J.*—The result of that would be either altogether against you or altogether for you?

*Mr. Bethune.*—Yes, my Lord; I quite see that.

*Strong, J.*—One of two things may follow, either that the power of prohibition is in the Provinces, or the power of regulation is with the Dominion?

*Mr. Bethune.*—Yes, my Lord, it seems to me that either must follow, because I am unable to divide them.

*Ritchie, C. J.*—It is clear that the power of the regulation of licenses belongs to Parliament according to your view.

*Mr. Bethune.*—Yes, my Lord.

*Ritchie, C. J.*—Then the Privy Council have decided that it is not.

*Strong, J.*—It is just on that point that I see the contradiction between the two decisions of the Privy Council.

*Mr. Bethune.*—It seems to me impossible to read them so that they would not clash. The only way I can so read them is to treat the matter —

*Strong, J.* The only way I can think of reconciling them is the way that this Court put Fredericton and the Queen, that is on the ground of prohibition by the Local Legislatures being an infringement of trade and commerce.

*Mr. Bethune.*—That would be in effect overruling Russell and the Queen.

*Ritchie, C. J.*—I do not think it overrules the conclusion of Russell and the Queen. It is quite competent and I can see no inconsistency whatever in holding that prohibition is of that general character affecting trade and other matters that might properly, and ought to be, in the hands of the Dominion Parliament, whereas the regulations of the dramshops and taverns might be a local matter and properly wholly within the control of the municipal institutions. To my mind there is no conflict at all between the two decisions.

*Mr. Bethune.*—I do not know that I can say anything more on that subject than I have already said about it.

*Ritchie, C. J.*—While I say that that may be, I do not say at all that it is so.

*Mr. Bethune.*—Just one observation has occurred to me about that: the result of reading it in that way as I understand, would be changing the phraseology of that trade and commerce section so as to read that they may absolutely prohibit it, but shall not regulate. That would be the result of it.



*Ritchie, C. J.*—The way I read it is this; in accordance with what has been pronounced before in judicial decisions which have taken place upon this Act is that they have a right to regulate trade and commerce. but in dealing with that trade and commerce in a general way must not infringe upon those matters which are given to the Local Government any more than may be necessary for the purpose of carrying out the power that is given to them in reference to trade and commerce in its broad and large sense. Now, I think, while it may be said that there is trade in a sale in a dramshop, while it may be brought in in a forced manner like that, still it was not intended to be brought in, but it was intended to be part of the municipal institutions of the Provinces; but the general regulations of trade and commerce—the large trade and commerce—the importation into the Dominion, or the prohibition of trade and commerce in that aspect (to use the expression of the Privy Council) is not to be read as interfering with the dealing of this in a small manner under municipal authority in the localities.

*Henry, J.*—We are now placed in this dilemma: The majority of this court decided that Parliament was justified in passing the Act because it interfered with trade and commerce. The Privy Council in the Hodge case decided that that was not a good reason; although they did not decide it in Russell and the Queen, they to all intents and purposes decided that that jurisdiction of trade and commerce did not affect the right, and therefore, if it did not affect the right in regard to the regulations, it could not affect it in regard to the prohibition; but the argument is now founded, as far as we can understand the different judgments, on this proposition, that because the Local Legislature could not pass a prohibitory Act therefore it becomes a matter necessarily consequent upon that that the Dominion Parliament has the power. They do not refer us to anything for that power except the first clause of section 91. That section 91 is not to be invoked in reference to the construction of the Statute in regard to local powers under section 92, and if it is not—because it is there excepted in that very clause—if that power is given to the Local Legislature under section 92, then it is excepted from the operation of clause 91 that I have referred to, so that we are working in a circle in regard to these judgments that it is almost impossible for us to appreciate properly.

*Ritchie, C. J.*—It seems to me to come to this: They have the regulation of trade and commerce subject to the municipal regulation, the police regulation of dramshops.

*Mr. Bethune.*—I should have thought that it was the other way, that municipal institutions can deal with the—

*Ritchie, C. J.*—I do not think trade and commerce, being confided to the Parliament of Canada that it can be supposed that it was contemplated they should go into these minute details of regulating saloons and matters of that sort, which never belonged to anything before but municipal institutions.

*Mr. Bethune.*—In England, as your Lordship will see by a comparatively recent Act, they have struck away the last vestige of control over the retail trade from the municipalities. By the Act 45-46 Vict. cap. 50, sect. 247, the last remaining vestige of control—

*Strong, J.*—They have local option now in England.

*Mr. Bethune.*—No, my Lord, I do not think so.

*Mr. Blake.*—It is in the absolute discretion of the magistrates.

*Strong, J.*—There is no mode of controlling their discretion.

*Mr. Bethune.*—No, I think not, but it is completely contemplated by law that the license shall be given to them; they have large discretion not to give licenses to certain persons: "Notwithstanding any custom or by-law, any person in any borough may keep a shop for the sale, &c." Now the tendency of course of modern legislation and modern practice has been to get rid of the privileges which formerly were found to be encroachments on trade. There were a great many courts in England which had a great many privileges, notably London. The corporation of London had great powers conceded by the Crown and sanctioned by legislation otherwise, but a period arrived when it was found that these were hindrances rather than

helps to trade, and gradually they have been all swept away. Now I say this section with reference to trade—because it was well known that this control of the boroughs extended to the wholesale as well as to the retail trade, and your Lordships will observe that it swept away the control over the retail as well as over the wholesale in this statute—this section 91 was inserted to my mind for the purpose of preventing municipal institutions from exercising any control, amongst other things, over trade. It seems to me we may read it in that way as part of a settled policy that there should be but one master, as it were, on the whole subject of trade.

*Gwynne, J.*—Who has established that policy?

*Mr. Bethune.*—The Imperial Parliament, I suppose.

*Gwynne, J.*—I do not think so. The Imperial Parliament has nothing to do with it.

*Ritchie, C. J.*—In the regulation of tavern licenses and saloon licenses and the dramshops of the country, has it ever been considered as belonging to trade and commerce at all? Has it ever been treated as such? There is this to be said about it, with reference to the construction of these statutes, and I do not think we ought to go to English statutes in that way when we are dealing with a subject which exists under the constitution of the country as it has existed from the time it was established to the present day. The force of that observation I think you will find in the American cases. The United States courts hesitated to interfere with the construction of State statutes when the judiciary of the States have themselves put construction upon them. Here we have statutes enacted with reference to the history and peculiar circumstances of the country, and they go home to England as they are now disposed of by a tribunal that can have no knowledge whatever of the minute history of our country as we who have lived in it all our lives have.

*Strong, J.*—The decisions of judges after judges and courts after courts, which have stood for twenty and thirty years, are swept away by decisions of the judges of the Privy Council who cannot possibly know anything about these matters. Such an anomalous state of jurisprudence is unknown in any civilized country, and unheard of in history.

*Mr. Bethune.*—That is not for me to say.

*Strong, J.*—If we are to have references to English statutes and what English judges say as to the interpretation of our laws in these matters now, it is pretty nearly the same things as—

*Ritchie, C. J.*—Is there a man living in the Dominion of Canada who believes that when the Act of Confederation was agreed upon by the representatives of the country, to be submitted to the Imperial Parliament, any one of those men had in his mind's eye the statute of Anne as the foundation of our constitution?

*Henry, J.*—You might go further and ask was there any one man in the British Parliament who took any interest in these details.

*Ritchie, C. J.*—They passed it, as the Act says, because we asked them to pass it, and in the terms we asked them to pass it, and they passed it because it did not interfere in any way with Imperial rights and Imperial interests, but it only regulated the internal government of our own Dominion; and then to turn round afterwards and say that is to be construed by the Act of Anne, that could not be thought of, was not thought of, is absurd.

*Mr. Bethune.*—I submit that you ought not to look too closely at how we treated it before Confederation, because each of the Provinces had plenary power; each of the Provinces had control of trade as well as of municipal institutions, and so there was no dividing line drawn, and there was nothing to indicate what Parliament might have thought was municipal institutions and what Parliament may have thought was a matter of trade, not to be worked out by municipal institutions. So it seems to me the way in which this was regarded before Confederation does not necessarily afford us any light at all as to how we should deal with it now. My learned friend Mr. Blake, in arguing the question, said there would always be a very considerable debatable ground between the two powers; that is to say, when you get down to a certain point it is difficult to say whether it is covered by trade and commerce or



municipal institutions. I say there is nothing in the Act to indicate that there was intended to be any such debatable ground, and the only way to avoid that debatable ground is to give full effect to the words "regulation of trade and commerce" in the way I have pointed out, on the one side, and giving full effect to municipal institutions in so far as they do not interfere with trade, and in that way you harmonize the two together.

*Mr. Blake.*—That is, you take everything away from the local and there is nothing left to fight about.

*Mr. Bethune.*—No; municipal regulations extend to the lighting of streets, furnishing watchmen, &c., all of which are no doubt primary objects of municipal government.

*Henry, J.*—The watering of streets might be as little local in its character as the watering of rum.

*Strong, J.*—That is to say, the whole police power is reserved to the Federal Government.

*Mr. Bethune.*—Yes, my Lord, except what is necessary to municipal government.

*Strong, J.*—Then, in the case of Hodge I should say that has already been decided.

*Ritchie, C. J.*—What is there in municipal government that has been so commonly a part of municipal government as the regulation of saloons and taverns? What has been so prominent a part?

*Mr. Bethune.*—Weights and measures were just as prominent a part before Confederation. I remember very well before Confederation seeing inspectors going round.

*Strong, J.*—That is a subject where, if we were to have anything like inter-provincial trade, uniformity was absolutely necessary.

*Henry, J.*—And for that very reason it was introduced in the Act so as to make it plain and simple that it should be so, and further, in carrying out that principle we adopted the imperial gallon.

*Strong, J.*—In old times Canadians used to sell oats and other things here by the Lower Canada measure, and there were all sorts of differences. It is just a small instance of it.

*Mr. Bethune.*—If you concede that the wholesale trade is with the Local Legislature, then it is well founded, but if you concede that it is with the Dominion Parliament, then inasmuch as I suppose the larger portion—as much as three-fourths of the entire trade—is conducted in taverns and saloons, and perhaps one-fourth in retail shops, it seems to me if you divide on that basis, that is if you hand over both shops and taverns—because these are the principal ways of disposing of the goods of the wholesale dealer—if you hand over the shops and saloons and taverns to the Local Legislatures, you will in effect paralyze and destroy the whole trade. I cannot help feeling reading these Provincial Acts, that these are really not police acts at all, but Acts for the regulation of that particular branch of trade, and it will appear that they are not general police acts in the sense of providing for the safety of municipal institutions, but they act directly on trade, that is, on shops, tavern and retail trade. So if they are police at all they are police for the retail trade.

*Strong, J.*—Then the argument is rather against you, because was it not intended to take it out of police, because where they intended to take these things out of the police they have done so?

*Mr. Bethune.*—Not necessarily in that way, to be read in the term municipal institutions.

*Strong, J.*—Those that were expressly taken out, such as weights and measures, by section 91, to be given to the central Legislature are no doubt taken out of the police power, but the residuum of the police power, I should say, still goes to the municipal institutions.

*Mr. Bethune.*—But for the judgment of Russell and the Queen.

*Strong, J.*—That judgment, if it stood alone, would go to show that the whole of the police power went to the Dominion.

*Gwynne, J.*—You say that the regulations of taverns and saloons does not come within the police power?

*Mr. Bethune.*—No, my Lord.

*Gwynne, J.*—Then what becomes of Hedge and the Queen?

*Ritchie C. J.*—How can you throw away the language, because the question that they had immediately before them were the two sections with reference simply to the keeping of a billiard table, and when they speak of this they do not say it is billiard tables merely. They spoke of what is within the scope of the Local Legislation as being all those matters requisite for the selling by retail of spirituous liquors and, "for limiting the number of licenses; for declaring that a limited number of persons qualified to have tavern licenses may be exempted from having the tavern accommodation required by law, &c." It is not a mere matter of billiard tables, but the regulating of licenses for taverns and shops and for defining the duties and powers of license inspectors and to impose penalties for infraction of their resolutions. "These seem to be," they say, "all matters of a merely local nature in the Province, and to be similar to, though not identical in all respects with, the powers then belonging to municipal institutions under the previously existing laws passed by the Local Parliament." They go on to say, "their Lordships consider that the powers intended to be conferred by the Act in question, when properly understood, are to make regulations in the nature of police or municipal regulations of a merely local character for the good government of taverns, &c., licensed for the sale of liquors by retail, and such as are calculated to preserve in the municipality peace and public decency, and repress drunkenness and disorderly and riotous conduct. As such they cannot be said to interfere with the general regulation of trade and commerce which belongs to the Dominion Parliament, and do not conflict with the provisions of the Canada Temperance Act, which does not appear to have as yet been locally adopted." Now in the English language what stronger words could be used for the purpose of saying that all that is comprised in that License Act of Ontario belongs to the Local power?

*Mr. Bethune.*—In the first place it seems to me you have got in some way to qualify that language; because their Lordships say they do not qualify the language used in Russell and the Queen. There is only one way of doing it, that is, by assuming what they said was with reference to the particular matter in hand, and to that rest meant—

*Strong, J.*—Do you suppose that these decisions of Her Majesty—because they are virtually Her Majesty's decisions—to which we are bound to pay the most dutiful obedience are sent out here accompanied by opinions which are fulminated by the judges of the Privy Council, and which we are to treat as mere idle verbiage? Are we not to consider these as opinions or reasons on which the decisions are founded, or are we to say merely that this decision is reversed?

*Mr. Bethune.*—I take it you are bound to treat them as reasons, so far as the particular matter in hand is concerned.

*Strong, J.*—Do they not bear on the matter in hand?

*Mr. Bethune.*—They are wider.

*Strong, J.*—I know as regards the particular decision, but they state a principle on which they go, the general rule.

*Henry, J.*—I have been searching to see if I could find words that would do more plainly.

*Mr. Bethune.*—The principle is opposed to another principle which they enunciate in Russell and the Queen.

*Strong, J.*—We cannot help that; it is not the first time that they have done that.

*Ritchie, C. J.*—Certainly the last decision must prevail.

*Mr. Bethune.*—But they are contemporaneous, and so you get two contemporaneous expressions. They say in that judgment that they reiterate the judgment in Russell and the Queen.

*Strong, J.*—Russell and the Queen was decided the year before.



*Mr. Bethune.*—They come to be contemporaneous because in that judgment of Hodge and the Queen they say they have considered it and they are not going to part from or vary the reasons they gave in that judgment in Russell and the Queen.

*Henry, J.*—They virtually say "as far as this Act is concerned, we consider this the law," and "as far as the other Act is concerned, we consider that is the law."

*Ritchie, C. J.*—They affirm this, and they affirm upon the reasons, good or bad (good, we must presume), they gave there, that prohibition belonged to the Dominion Parliament. They affirmed in Hodge and the Queen that the regulation of taverns and licenses belonged to the Government. Now, you say those are reconcilable, but what we are dealing with now is, not the question of prohibition—for that, if it could come up, we are bound by Russell and the Queen—when we come to deal with the tavern licenses, are we not bound by the case of Hodge and the Queen, which was decided there also?

*Mr. Bethune.*—What I desire is to place these matters as far as I can before your Lordships, so that they may receive your Lordships' consideration, and when the matter comes to be disposed of, if it should ultimately go before the Privy Council, if your Lordships see fit to give reasons for the conclusions you arrive at, the matter may be reconciled there.

*Ritchie, C. J.*—Lately this matter was discussed in the Supreme Court of Nova Scotia, and there they had taken the view that this Act was within the power of the Dominion Parliament.

*Mr. Bethune.*—It is, and two County Court judges in Ontario have decided the same thing, and the matter is now in appeal in Toronto.

*Strong, J.*—Neither of those courts being tribunals of appeal, are they quite right in deciding that any Act of the Dominion Parliament was constitutional.

*Ritchie, C. J.*—I mention this case because I thought that if a decision had taken place that we should like to see the reasons for it.

*Mr. Bethune.*—I will procure copies in both cases. Notwithstanding the strong expression of opinion in Hodge and the Queen, I still propose—

*Ritchie, C. J.*—I am bringing up these things to challenge you and to exhaust what you have to say on the subject, because on the surface they require it, I think.

*Mr. Bethune.*—I am aware of that, my Lord, and I am very thankful to you for saying so. Now we come to the question of what occurs in the Act as regulation and prohibition, and the first section that is dealt with—these occur from section 62 to section 78, and then section 89, and I propose to consider these together.

*Strong, J.*—In the encyclopædiæ of the United States, just out, I find an article on the police power which may throw some light on the subject.

*Mr. Bethune.*—I find in the Encyclopædiæ Britannica an article upon the same subject.

*Strong, J.*—I should not think anything of that, because it is a subject on which they are not so familiar as American writers are.

*Mr. Bethune.*—More or less these decisions in the United States include together police power in the State.

*Strong, J.*—They are all tainted with the political views of the courts which decide them.

*Mr. Bethune.*—They have another trade power, and more or less the two run into each other, and so you do not get so clear a light as you might, perhaps, under other circumstances, get. For instance, the most recent case I know of came up as a warehousing case, *Maine vs. Illinois*, where the warehousing system was attacked and the legislation of the State respecting it, because it was inter-State commerce. Now, I say, before entering upon these regulations, that there is no reason, that I can see, why, so far as shops are concerned, there should be any exercise of the police power at all. The reason why, I understand from the cases, the police power has been generally thought applicable to taverns is because of the loose and disorderly persons who are in the habit of congregating about taverns, where they are likely to get

drunk and create disturbances. That does not apply to the licensed shops at all because there was this common feature about them, namely, that the liquor was not allowed to be drunk on the premises at all.

*Ritchie, C. J.*—That was a police regulation, was it not?

*Mr. Bethune.*—I submit that was a regulation of trade.

*Ritchie, C. J.*—Trade was dealing with the sale of it, but drinking it on the spot appears to me to be a police regulation.

*Mr. Bethune.*—With deference, I submit not, for this reason—

*Ritchie, C. J.*—The same principle applies, because the same lot of loafers would collect around a shop just as much as around a tavern, if they were allowed to drink the liquor there.

*Mr. Bethune.*—I am pointing out that there is no necessity at all for the exercise of the police power in the shops any more than over dry goods or any other shops.

*Mr. Davie.*—In British Columbia they sell liquor by retail in the shops.

*Henry, J.*—In country places now it is quite a common thing for two or three persons to go together into a shop and buy a quantity of liquor, the quantity they are allowed to sell, and take it outside of the shop and drink it.

*Mr. Bethune.*—If it was a common feature in that Province before Confederation I know that it was not allowed to be done in Ontario before Confederation.

*Mr. Blake.*—They went into the stable.

*Mr. Bethune.*—Section 62 and the following sections down to 78, inclusive, are preceded by the term “regulations and prohibitions”—regulations of what? Regulation of this trade which they are purporting to regulate, because that is what they are dealing with, the whole trade, and the Dominion Parliament proposed to make these regulations. One of them is a regulation that there shall be constant and conspicuously exposed in taverns, shops, &c., under penalty of \$5 for every day that it is neglected, a sign, indicating that the place is licensed, and what the character of the license is. That in no sense, so far as I can see, relates to police.

*Henry, J.*—Is it necessary that these matters affecting local objects should be a matter of police?

*Mr. Bethune.*—Unless they are under the police powers I do not see on what they rest, because undoubtedly the local section, section 16, seems to have been disposed of in Russell and the Queen.

*Strong, J.*—All the American cases have held, *prima facie*, police power include prohibition. Supposing there was nothing said about trade and commerce, or supposing it was said that the Provinces shall manage their own trade and commerce and the Dominion shall manage foreign commerce, or commerce with dependencies under the Dominion—supposing that was held, there would be no conflict, but does that include police power?

*Mr. Bethune.*—I submit not, under the words in section 91, “peace, order and good government.” The Privy Council say that is the effect of that.

*Henry, J.*—But they do not refer to the exception in that very clause.

*Mr. Bethune.*—I have myself analyzed the United States cases which dealt with prohibition.

*Strong, J.*—There is no trouble there, because as far as it is internal commerce the States have power over it, and it is only when it is a matter affecting inter-State commerce or foreign commerce that it became a matter for the United States.

*Mr. Bethune.*—Sections 62 and 63 do not appear to me to affect municipal institutions. They are for Customs purposes. For instance, they require to have a sign up, indicating that it is a bonded warehouse. So, as a mere matter of police, one cannot see how these two sections affect the question of police. Section 64 there may be a little more doubt about.

*Ritchie, C. J.*—That only has reference to these licenses. They have not the power to issue those licenses.

*Mr. Bethune.*—I am taking what the Legislature itself has called regulation. Now, section 64 may be open, perhaps, to more debate. Section 64 provides that every hotel-keeper shall keep a lamp affixed over the door of his licensed premises.



within 20 feet thereof, lighted during the whole of every night, from sunset to sunrise, during the time of his holding the license. That is not a matter, of course, of any vital consequence in this Act.

*Strong, J.*—Are we to say, supposing we hold the rest of the Act void—are we to eliminate that lamp from it?

*Mr. Bethune.*—Certainly not. Now I come to section 66 which prohibits the sale of liquors on certain days and during certain hours—from 7 on Saturday evening until on Monday morning. Undoubtedly the Privy Council in Russell and the Queen have determined that prohibition rests with the Dominion, and—

*Strong, J.*—Poulin and Quebec bears on that also, and we are bound by the decision.

*Mr. Bethune.*—I did not know that that case had been before this court.

*Gwynne, J.*—Regulating the hours within which liquor shall not be sold, it seems to be very far fetched to say that that comes within prohibition.

*Henry, J.*—How could it affect trade and commerce, whether a man sold up to 8.30 or up to 9 o'clock?

*Mr. Bethune.*—Suppose they say they shall not sell for half a year? Mr. Burdidge tells me that Poulin and Quebec went off on another point.

*Mr. Blake.*—I have read a portion of the judgment of the Chief Justice of this court in Poulin and Quebec, in the Sessional Papers No. 9, vol. 17, and your Lordships reported judgment in the Justices of King's case.

*Mr. Bethune.*—Assuming that that decides the point under the Act in question, it seems to me it may well happen that when the Dominion Parliament does deal with subjects as affecting the whole Dominion, that may be a perfectly good regulation of the trade. I do not know how it can be said that it is not a regulation of the trade. One mode of regulating the trade is by license. If you give a man license to sell, and if you can restrain him at all, surely you can restrain him from selling on particular days if you choose, and if on particular days, on particular hours.

*Gwynne, J.*—In other words, you say restraining a man from exercising a legal calling on particular days is the same thing as restraining him from exercising a calling, which is unlawful, at all.

*Mr. Bethune.*—It seems to me if they have control at all of the trade, there is no escape from the conclusion that they can require you to take out a license.

*Ritchie, C. J.*—Is not this just what the Privy Council have determined, that it is the character of this Act. This Act seems to be on all fours with the Ontario Act. Was this an Act that had in view the exercise of power with reference to trade and commerce, or was it an Act which had in view the regulation of taverns, saloons, &c.?

*Mr. Bethune.*—I admit, if you feel bound to accept that large view under Hodge and the Queen, it covers this clause with which I am dealing. Section 67 is the section which provides a penalty for every hotel keeper who refuses to furnish lodging, meals or accommodation to travellers.

*Ritchie, C. J.*—I cannot see how it would be possible to make a difference between, in trade and commerce, the selling of an article by day time and the selling of it after night, but as regards the government of towns, I can see it very well.

*Mr. Bethune.*—I am not able to draw a distinction. If they can regulate the trade, they can regulate the time of selling.

*Strong, J.*—Such regulations are absurd.

*Mr. Bethune.*—However absurd their laws may be, with deference, I think that Parliament must be the judge of the absurdity. If they are masters, however absurd the law may be, suppose Parliament exercised the power, it must be obeyed, and how are we to limit it, even supposing they have acted on the wrong view.

*Mr. Blake.*—If you take it for granted, the case is gone.

*Mr. Bethune.*—I ask how you are going to limit the power of Parliament in that way? If they have control of the subject the law must be obeyed, however absurd it may be. Section 67: Fault is found with that because it is, in fact, dealing with a matter not relating to trade. The sale of liquor is the important matter with which Parliament is dealing, but I can well understand that if Parliament has power to

control the selling of liquor it may annex to that just such a provision as this, and say: "We shall not allow you to sell liquor unless you keep, for the accommodation of travellers, sandwiches, or whatever they may want in the way of meals."

*Gwynne, J.*—The validity of this, you think, depends on whether they have the authority to regulate the sale of liquor.

*Mr. Bethune.*—Certainly, my Lord.

*Gwynne, J.*—It is not to be treated in any way as a criminal clause?

*Mr. Bethune.*—No, my Lord, though it might be.

*Gwynne, J.*—It is imposing a penalty for a criminal offence.

*Mr. Bethune.*—No doubt the words *per se* are wide enough.

*Gwynne, J.*—Would that make it a crime to say that they shall pay \$50 as penalty?

*Mr. Bethune.*—I take it that anything is a crime under the British North America Act for which a man may suffer punishment in any form.

*Henry, J.*—Under the Statute, the Ontario Government have the power to impose penalties for the infraction of their own laws, and under that section the Dominion Parliament would possess the power, also, and there might be conflicting legislation.

*Mr. Bethune.*—Section 68 is a matter dealing directly with trade in liquor. It is as follows:—

"If any hotel keeper receives in payment, or as a pledge, for any liquor or entertainment supplied in or from his licensed premises, anything except current money, or the debtor's own cheque on a bank or banker, he shall, for each such offence, pay a penalty not exceeding \$20; the person to whom anything given as a pledge, as aforesaid, belongs, shall have the same remedy for recovering such pledge or the value thereof, as if it had never been pledged; no hotel-keeper shall receive payment in advance for any liquor to be supplied, and any payment so made in advance may be recovered, notwithstanding that any liquor may have been supplied subsequently to such payment." That is a matter dealing directly with trade.

*Gwynne, J.*—It applies, only, I suppose, if they have the power.

*Mr. Bethune.*—I was going to say that this opens up a very large question. It deals with trade, and it does with trade and barter, it is in effect saying you shall not sell this particular species of goods except for current money. That, in effect, is dealing directly with trade and barter. It, in effect, says: "We require everybody to take out a license before he can sell liquor."

*Strong, J.*—Section 66 you do not press? That is, the hours of selling?

*Mr. Bethune.*—Yes I do, my Lord.

*Strong, J.*—Are we to go back on our own decision?

*Mr. Bethune.*—I cannot give that up, instructed as I am, because the point may go to the Privy Council, and I do not want to be met with the difficulty afterward that I had given up that.

*Mr. Blake.*—I understand my learned friend opens with the argument that the whole Act is valid and does not give up any section of it?

*Mr. Bethune.*—I say that section 68 deals directly with trade, that is the trade in liquor. It says, in effect, that no hotel keeper shall sell his liquor for anything but money, and it makes any other consideration void, and just as if there had been no bargain at all about it. It restrains him from taking money in advance, and so it seems to me, if there is anything in that Act that may be properly a question of trade, undoubtedly the sale or barter of liquor comes within the words "regulation of trade." Now the sale of liquor is trade, either for money or barter.

*Ritchie, C. J.*—Are you not met there, to a certain extent, in the case of *Parsons*? Is not this a matter of contract?

*Mr. Bethune.*—No; that was the authentication of a contract. In that case there was a question whether writing a policy was trade, but in this case there is no doubt the selling of a commercial commodity is trade. It is dealing with a man not carrying on an isolated act, but a man whose business it is to sell this commercial commodity.



*Henry, J.*—Under the power they have given them by the British North America Act, the Parliament of Canada undertake to regulate trade by a subsidiary clause in the Liquor License Act.

*Ritchie, C. J.*—Do you not see that this only has reference to premises licensed under this Act?

*Mr. Bethune.*—Yes, my Lord; but you will see how I apply it. If Parliament thought that the regulation of that branch of trade was a matter of sufficient importance for them to deal with it, they may, for the very purpose of carrying out such a provision as that, require that everybody shall take out a license, and may then say that that licensed person shall not sell his wares, except in a particular way. If you once concede that the wares or merchandise which a tavern keeper, or any dealer in liquor is selling, come within the word "trade"—and I cannot see how it can be said that it does not come within the word "trade"—if so, then that section alone would be enough—

*Henry, J.*—Liquor for money would, in the same way, come within trade.

*Strong, J.*—If this argument prevailed, I can see how every matter of trade would be taken away from the Provincial Legislatures then, because they say a man shall not pay in advance.

*Mr. Bethune.*—I do not see how you can say that that is not dealing with a matter of trade. That is to say, a certain person carries on the business of a trader in liquor. We so far regulate that trade as to say he shall not barter or exchange his produce for any other kind of produce; that he shall deal only for current money; we shall only allow him, for the good of the community, to carry on that particular trade, provided he takes his pay in money. If that does not come within the definition of the regulation of trade, I do not know what does. Independent of all other sections of the Act, there is a Dominion regulation fairly brought to bear on what seems to me to be a trade.

*Ritchie, C. J.*—Just read the latter part of that clause—"no hotel keeper shall receive payment in advance for any liquor to be supplied, and any payment so made in advance may be recovered, notwithstanding that any liquor may have been supplied subsequently to such payment." That is taking hold of this money, that has nothing to do with the trade.

*Mr. Bethune.*—That says this: He shall not carry on trade unless the exchange for the wares takes place at the very moment. Your Lordship put to me, very pertinently, what is the regulation of trade—

*Strong, J.*—Suppose there was a provision that liquor should not be sold on credit; surely you would not say that that was an interference with trade and commerce!

*Mr. Bethune.*—Certainly; suppose Parliament says we make the following regulations for carrying on trade, and prescribe that there shall be no sale on time by a trader—

*Ritchie, C. J.*—If the money is paid into a man's hands, under what statute can you find any authority for the Dominion Parliament to interfere with that money, and say that it shall not be recovered back, or that it shall be recovered back?

*Mr. Bethune.*—If Parliament says that the article shall not be sold, except for money down, then Parliament should have the power to say that that money shall not be recovered.

*Ritchie, C. J.*—Does not that belong to the local authority, to say whether that shall be recovered back or not?

*Mr. Bethune.*—If they had the power to enforce the policy of a sale for money down, and dealing for cash in hand, then they must have the power, it seems to me, of doing what is necessary to carry that out, though that part of the Act may be severable from the earlier part; but the early part does strike me as a clear instance of the regulation of trade.

*Ritchie, C. J.*—"The person to whom anything given as a pledge, as aforesaid, belongs, shall have the same remedy for recovering such pledge, or the value thereof, as if it had never been pledged." Does not that affect the whole subject of civil rights?

*Mr. Bethune.*—And so it does in every case where there is a dealing with trade.

*Ritchie, C. J.*—No; the Legislature may say that goods shall not be sold, or rather that rum shall not be sold, to a person on a pledge of any specific article. They may say that; but, after that, have they a right to deal with a pledge?

*Mr. Bethune.*—For the purpose of carrying out their main object, discouraging people from taking money under such circumstances, it removes the consideration

*Gwynne, J.*—If they have power to license these tavern keepers they may, perhaps, pass this part of the Act.

*Mr. Bethune.*—I am putting it in this way: I am asking the question whether or not they may, under the term "regulation of trade," interfere, because they may interfere with any other trade in the same way.

*Strong, J.*—For the purpose of the present argument, you are assuming that Parliament has the power to make a regulation of this kind?

*Mr. Bethune.*—I am trying to say, independent of license or anything else, that they have the right to make a regulation of trade.

*Gwynne, J.*—To affect whom? Does it affect persons licensed under the local Act?

*Strong, J.*—Granting, for the sake of argument, that they have the power to issue licenses, they have also the right to prohibit this.

*Mr. Bethune.*—That they may carry out this very regulation, they may issue license.

*Henry, J.*—In order to ascertain whether they have this power we must first conclude that it is regulating trade and commerce.

*Ritchie, C. J.*—Can any person who reads this Act say that there is any such intention on the part of the Legislature in this case to pass an Act in reference to this matter? It is all very well, but this Act is passed for a different purpose altogether.

*Mr. Bethune.*—What I am pointing out to your Lordship is, if they have power to do that, that is one of the things which are embraced in the Act. If they have the power to make that regulation, then I submit they have the power to require, for the purpose of carrying that out, that they shall take out licenses.

*Gwynne, J.*—Over persons licensed by the Local Legislature? If they have the power to make this regulation for persons who may be licensed, that is not advancing the question any.

*Mr. Bethune.*—I am leaving the question of license out of view, and dealing with this question merely as a regulation of trade.

*Gwynne, J.*—As an existing trade?

*Mr. Bethune.*—An existing trade.

*Gwynne, J.*—Then we must look upon it as trade regulated by the Local Legislature.

*Strong, J.*—You are dealing with it as a question that this is a legitimate regulation of trade; and, as a power incidental to that, would they have the power to pass any enactment to regulate the trade?

*Mr. Bethune.*—Yes; it is perfectly well settled.

*Mr. Blake.*—First, the animal wags the tail and then the tail wags the animal.

*Mr. Bethune.*—The same thing may induce them to go a great deal further. It is a principle well understood, under the licensing system, that for the purpose of carrying out an object you may require persons to take out licenses.

*Strong, J.*—You may regulate any contract that passes between any two men in the country, simply because every contract, in an infinitesimal degree—every contract of buying and selling, does affect the trade of the country.

*Mr. Blake.*—Swapping a jack-knife, for instance, may come under the regulation of trade.

*Henry, J.*—Should it be considered that a great constitutional question of this kind is to be presented to the Privy Council, and they are to be asked to consider these matters in detail, they will have a long time over it.



*Ritchie, C. J.*—If a man goes to a village hotel, having no luggage, and the hotel keeper says: "You have no luggage; I do not know you, and you must deposit some money, \$5 or \$10, as security with me to pay for your board that you get in the hotel." The man gets his board and gets his glass of beer with his dinner, and at the end of a week, according to this rule and regulation, the man would have a right to recover back, as the price of his beer and his board, this security, and that is called a regulation of trade and commerce.

*Mr. Bethune.*—I suppose it is; no doubt, under the law it is.

*Ritchie, C. J.*—And that would be a regulation of trade and commerce. Coming down to details, that is a *reductio ad absurdum*.

*Mr. Bethune.*—It would not be any more absurd than if it were applied to all trades of that kind. Supposing they passed an Act saying that in the sale of all commodities there should be no barter, but ready money, I do not think there could be any answer to the power of Parliament to deal with that. If so, have they any less power in dealing with a particular trade? That is the way it strikes me, at all events. Section 69 involves the same question. I need not deal in detail with that. Then section 70 is working out the same idea.

*Henry, J.*—If a party came in and said to a hotel keeper: "There are my horses for pledge of my board and bill, &c.," here is an Act of the Dominion which says he can get them back again even though he does not pay for his board. On medical certificates and certificates of magistrates parties may supply liquor for medicinal purposes, under the Act. I am pretty well locally acquainted with magistrates through this country, and I think a good many can be found who would decide cases like the Dutch magistrate in New York, before whom a dozen people were brought up charged with having been drunk. He asked them what they got drunk on, and one man said "I got drunk on punch." The magistrate said: "Vell, I vines you not; I gets drunk on punch mineself."

*Mr. Bethune.*—I take it if they have power to pass the principle, if they have power to say it shall not be pledged, that would give a right to say whether they should get back the object pledged. Of course, that is all dependent upon whether the principal part of it is within the jurisdiction of Parliament. Then sections 70, 71 and 72 would appear to be criminal laws, and capable of being supported only as criminal laws.

*Gwynne, J.*—These only affect licenses under this Act.

*Mr. Bethune.*—Yes, my Lord. I will give you some authorities to show that they come within the words "criminal law." Then section 73 seems to be the same principle applicable to the regulation of bonded warehouses, if they have the power.

*Strong, J.*—Supposing the rest of the Act goes, of what use would these be?

*Mr. Bethune.*—They depend entirely upon the validity of the rest of the Act. Of course, there are many of them which, I think, come fairly within the regulation of trade, but which might not be in force if the rest of the law went down, because they are, by the very terms of the Act, confined to something done under the Act.

*Gwynne, J.*—Some of them possibly might, from their language, relate to licenses granted by the Local Legislature, but I do not think that that was intended.

*Strong, J.*—It is almost impossible to tell, unless you try the principle, whether his isolated clause will stand alone.

*Mr. Bethune.*—I do not think Parliament ever intended that—

*Ritchie, C. J.*—Parliament intended by this Act that the Local Legislatures should not grant licenses.

*Strong, J.*—For the purpose of construing those which remain, we must look at those struck out, and we find that those provisions have reference to licenses intended to be granted under this Act.

*Mr. Bethune.*—I may say, for the purpose of that, it is hardly worth discriminating. Generally, the machinery of the Act, and the other provisions of it, would apply to the trade, if you thought it was within the power of Parliament. Your lordships will find the authority collected in the case of *Lucal and McGlashen*, 29 J. C., page 92.

*Strong, J.*—The Dominion Parliament may say that anything they choose is a misdemeanor, and may attach any penalty to any offence within their own jurisdiction, but there they must stop.

*Mr. Bethune.*—I submit, my Lord, that that view is not correct.

*Strong, J.*—I think, when you say that this would only apply to licenses under this Act, it would not apply if the licenses were swept away—would not apply to licenses under a provincial law.

*Mr. Bethune.*—I said yesterday that there were certain clauses connected with the Canada Temperance Act which would still remain in force, even though the general subject went; and undoubtedly there are portions of the Act, if you look at section 24 of the amending Act and compare it with sections 143 and 59 of the original Act, you will see that the officers appointed under this Act would remain officers for the purposes of the Scott Act. There are certain portions of this Act which would remain in force for the purposes of the Scott Act—all the machinery provided under this.

*Strong, J.*—Of course it would be a supplement to the Scott Act in that way.

*Mr. Bethune.*—Yes, independent of other considerations.

*Gwynne, J.*—After all, do not those sections also relate to licenses issued under this Act?

*Mr. Bethune.*—They do, my Lord; but they also provide that where the Scott Act is in force, the same persons are also to work out the machinery of the Scott Act. These sections together are intended to adapt the machinery of this Act to the working out of the Scott Act, so it would have to be in force, whether the rest of the Act is to be sustained or not. I call your Lordships' attention to it, in case it might be overlooked in answering the questions put to the Court.

*Gwynne, J.*—Supposing the substance is removed, you would scarcely care to retain the shell?

*Strong, J.*—This is simply a substitute for carrying on the Temperance Act. We shall have to take great care to see that any decision we may pronounce shall be without prejudice to this Act so far as it affects the Scott Act.

*Mr. Bethune.*—Perhaps your Lordships may not take it as an impertinence on my part if I suggest respectfully for your consideration, whether in view of the great importance of this matter, you might not think fit to depart from your usual custom and give your reasons for the conclusion at which you arrive. I know, in a former case, your Lordships thought it was only necessary to simply answer the question in detail.

*Ritchie, C. J.*—The practice has been, hitherto, in answering questions, to do so without giving the reasons.

*Strong, J.*—The matter will be sure to go to the Privy Council. Our judgment will not make any difference there; as a matter of fact, they never do. They do not appear to be read or considered there, and if they are alluded to it is only for the purpose of offensive criticism. I allude to Sir Robert Collier's judgment in the case of *Moore vs. Connecticut*, and Lord Blackburn's judgment in the case known as the *Streams* case.

*Mr. Blake.*—I think the most offensive language that was ever used by the Privy Council was in the *Anderson* case when one of the Lords said: "We now refer to the judgment of a judge of the ominous name of Burns," because he had thought that the man should be held and sent back to the United States to be punished.

*Mr. Bethune.*—That went to the Queen's Bench.

*Strong, J.*—It just shows the way in which our judgments are treated, and I do not think we should depart from any general rule which the court has adopted.

*Mr. Bethune.*—I feel bound to say, what I saw of the Privy Council while I was there, I have never observed anything that could be construed into anything like reproach of the judges of this court. I think they spoke very courteously. I heard Sir Robert Collier in *Moore and Connecticut*—

*Strong, J.*—It was the same in the decision in the *Russell* case. They assumed to set us right on the practice of the court, yet in that case they entirely overlooked



one of the clauses which limited the jurisdiction. I mention that as a reason why I say now, positively, for my part, that advisedly I shall not give a reason for my judgment. No powers short of the Parliament of Canada can compel me, and I will not give my reasons for my judgment.

*Henry, J.*—I should be very much pleased if our practice authorized us to do it. This is a very important case for the whole Dominion, and I should be very happy, indeed, if we, according to our practice, could give our reasons, but we have not done so hitherto.

*Mr. Bethune.*—One of your Lordships used this expression : That this really was an attempt to set up a municipal institution beside the municipal institutions existing in the Provinces. That I cannot see, because I understand the term "municipal institutions" to be a term of general application to a particular area. That is to say, you are made local bodies to govern in a particular area, and the best definition I have seen in almost any of the American cases of how far that term "municipal institutions" goes—

*Mr. Blake.*—That was not the expression used; it was creating a new system alongside of our municipal institutions; that is what his Lordship Justice Strong said.

*Mr. Bethune.*—I understood his Lordship to say that it was an attempt to set up a new set of municipal institutions alongside of those we have already. I understood it in this sense, that it was, in fact, an attempt to create Dominion municipal institutions as distinct from provincial municipal institutions. It is not quite clear, of course, what the boundary of municipal institutions is. It is pointed out in this case, which is reported, City of Philadelphia against Fox, which your Lordships will find in 1861, Pennsylvania State, page 169, in the judgment of Justice Sharswood, in which the term "municipal institutions" was fully considered. The discussion there is a very instructive one, because they point out that they can get no light from the practice of municipal bodies on the other side of the Atlantic, the circumstances were so different. They point out here that the term "municipal institutions" have governed a particular area, and that they are, in fact, the creatures of the State Legislature; that their government is of general application—that is, that it extends over all the persons living in the particular area committed to their charge, and so, in that sense, I understand it was used in connection with the term in our British North America Act. What I say here is, that this is no more an attempt to create municipal institutions than any other matter of Dominion law or Dominion regulation which has got to be enforced through particular officers, who are appointed, and so, in that way, is not open to the objection made in the very clear and forcible language that I have referred to.

Then another objection made is as to the fund under sections 56 and 57. Your Lordships will remember that provision is made that whatever balance remained over from what constitute the license fund shall be handed over to the municipality. To that there can be no possible objection, I take it, because if Parliament possesses power to deal with this particular subject, then it may do what it likes with the fund created. I understand that both Parliament and the Legislatures are supreme over the funds that they have raised for any purpose. Indeed, a large part of the grant made by Legislatures to railways and for other purposes could not be supported at all if that argument was to prevail; and I take it, assuming Parliament has the power to require that licenses shall be taken out, there can be no objection to this clause as interfering with the revenue of a particular locality.

*Henry, J.*—That is to say, the Dominion Government can appoint and pay officers, and pay their salaries out of funds created by license fees, and hand any balance that may remain after the payment of those salaries to the municipalities?

*Mr. Bethune.*—It does not interfere with the local authorities.

*Strong, J.*—It seems to show this, that the Dominion Government were conscious, to a certain extent, that they were trenching on the powers of the local authorities, because they thought it would be unconscionable to keep this money and it must find its way home, and its proper home is in the provincial treasury.

*Mr. Bethune.*—I have no doubt what actuated them was that there should be no popular outcry against this as dealing with provincial funds.

*Henry, J.*—The city of Halifax gets several thousands of dollars from licenses, and the Local Legislature leaves it with them, and so it is with all the different localities. Now, if Parliament takes an appropriation of this money and says: "We will put it in the hands of another body altogether," it will be depriving these municipalities of one source of revenue.

*Mr. Bethune.*—Another argument used was, that this could not be supported on the ground of bringing about uniform legislation, because power was given to the boards, as your Lordships will remember, to frame additional regulations. There are some regulations put in the Act itself. There is power in the board to frame additional regulations for the government of the persons licensed. Now, that would not enable that body, of course, to make any different regulations from those made in the Act; it would be only regulations consistent with the Act; but I take it that the mere fact that there may be some diverse regulations would be no objections to the Act at all, because, necessarily, you would have, to some extent, to frame different regulations in minor points of details, perhaps dependent on the particular wants of different parts of this enormous Dominion; so I do not see any objection to the Act at all on that ground—dealing with the question down to a certain point, making uniform regulations to a certain point, and committing to local bodies such power to make additional regulations not inconsistent with the Act, as the peace, order and good government of the locality might require.

Then, a further objection which was raised by one of my learned friends during the argument was: "Oh, this has been acquiesced in since Confederation." That is to say, the exercise of these powers by the local bodies has been acquiesced in so long that you are entitled now to use that as an argument to show that the Dominion does not possess the power. The answer to that is to be found in the fact that a great many times objections have been raised to it, and despatches sent by the central power here, objecting to particular provisions which have been passed from time to time under the licensing power; but it was not until after Russell and the Queen was decided that it was thought fit to exercise the power which it was always contended Parliament possessed. But, I take it, the lapse of time since Confederation is not sufficiently long to warrant any importance to be attached to it; it is not twenty years yet.

*Ritchie, C. J.*—What amount of legislation has been passed in the different Provinces during that time?

*Mr. Bethune.*—There have been two sets of Acts in Ontario, principally consolidations of each other. The first was passed in 1868-69, 32 and 33 Vic. That was further dealt with in 1876 or 1877, when the Act was again consolidated.

*Ritchie, C. J.*—In the Parsons case I had occasion to seek out all the legislation which had taken place, both in the Provinces and in the Dominion, and I thought it was not conclusive, but was a matter to be taken into consideration. Subsequently in another case, the Privy Council have stated the same thing.

*Mr. Irving.*—The Provincial Legislature began to legislate in 1869, and have legislated almost every year since, in Ontario.

*Henry, J.*—And so they have in Nova Scotia.

*Mr. Bethune.*—My learned friend, Mr. Burbidge, will give you a reference to a number of despatches and State papers which they sent to the Local Governments from time to time, and notably upon the question of limiting the number of licenses. They, very early in 1869, formed the subject of consideration by the present Prime Minister, then Attorney-General of Canada, advising why the Act should not go into operation, pointing out the fact that the limitation of the number was a clear interference with trade, and that it might be productive of inconvenience at that time if an attempt was made to interfere with the Act. That was regarded at that time as a direct interference with the power to regulate trade and commerce, but no objection was taken to it, formally.



*Strong, J.*—It does not amount to judicial authority, but it is some authority. The only question is, what legislation has there been?

*Mr. Bethune.*—That would be important only as strong evidence that the Dominion authorities, not disallowing the law, thought the Act was invalid.

*Gwynne, J.*—That is only the opinions of particular persons.

*Mr. Bethune.*—On the other hand, the mere fact of exercising those powers cannot enlarge the powers of the Local Legislatures.

*Strong, J.*—No; but it is always considered, in matters of constitutional construction, in the United States, that legislation is authority as showing that the powers were possessed by the States.

*Henry, J.*—Acquiesced in by the general Government.

*Strong, J.*—That is another point.

*Ritchie, C. J.*—In that Parsons case I found an immense number of Acts which were a clear recognition by the Dominion of what was legislation by the Provinces. I collected the judicial authorities on it, and it occurred to me that it was a very suggestive argument that these, having been passed at the very outset of our Dominion, when the people who had to do with it—the legislators who had to do with it, were the very men who introduced this legislation—that it was a very suggestive argument; at all events, that these men would not have tolerated it if they had known it; and the Privy Council has again adopted the same idea in the subsequent cases. They say it is not conclusive, but it has weight and is worthy of consideration.

*Mr. Blake.*—That is the means by which the statute of *mortmain* was introduced into Ontario.

*Mr. Bethune.*—There the legislation was directly recognized.

*Mr. Irving.*—There have been ten Bills, separate legislation, since Confederation, in addition to the general consolidations in Ontario.

*Mr. Bethune.*—I remember hearing this question discussed, and I remember hearing the remark made that a man cannot lift himself over a fence by his boot straps; and just so a legislature cannot increase its power by simply assuming to exercise a power which it does not possess.

*Ritchie, C. J.*—No one can possibly contend that, but when we are discussing a doubtful statute with reference to rights, then I think the Supreme Court of the United States have gone back to see what view jurists and legislators of the States, at the earlier history of the country, had taken of it.

*Strong, J.*—What has usually been recognized as police power by the Legislature is most material, to show that the only way we can arrive at it.

*Henry, J.*—It is, in reference to these license laws, not only the opinion of the Local Legislatures, but it is, to a certain extent, of Parliament. And further, these Acts have been the subject of legal procedure, I presume, in every one of the Provinces, and there have been judicial decisions given for the last nineteen years.

*Mr. Bethune.*—For these reasons which I have given, I submit that the Liquor License Act is valid.

*Mr. Burbidge.*—I shall only detain your Lordships for one moment. My learned friend, Mr. Bethune, said a moment ago, that I should refer you to certain dispatches and State papers to show that the exercise of the power of the Local Legislature had not in this respect been acquiesced in. Before turning to that, I would say I think it would be an extreme and arbitrary exercise of power on the part of the Government of Canada to disallow an Act because they had doubts as to its constitutionality. The courts are always open for the construction and decision of doubtful points. If anyone will address himself to the dispatches on such matters of the different ministries it will be found that unless it was considered that a statute was clearly beyond the powers of the Legislature, or that it interfered with some of the interests of the country, it was not disallowed. If anyone will take the pains to examine the reports he will find that, time and again, the Legislatures have enacted statutes that were so clearly beyond their power that, their attention being called to it, they repealed them, and the usual way to deal with those provisions has been to call the attention of the Legislatures to those measures, in order that they themselves might

repeal them, so that this power of disallowance should not be exercised. If anyone will peruse this he will find that the occasion on which the Legislatures have exceeded their powers by passing what were clearly criminal laws, or laws trenching on trade and commerce, have been numerous indeed, and have been recognised by their own repealing sections.

With respect to this question, your Lordships cannot draw any strong conclusion one way or the other, in regard to the powers to be exercised in respect to this, because we all know that from the very first it has been a debated question. At one time the opinion was that it rested with Parliament, and at another time that it rested with the Legislatures, until, at last, there was a definite decision of the Privy Council where the power of prohibition rested. When this court placed that power on the ground of trade and commerce, there was a general consensus of opinion that the regulation of that trade was with the Dominion Parliament, leaving, perhaps, I am free to admit, to the Local Legislatures power to deal with the same subject in another way as a police regulation, and so that the two subjects would meet.

*Strong, J.*—That would be so if the City of Fredericton and the Queen remained. But when we find the Privy Council going further, and putting the decision in Russell and the Queen on the ground they do, I quite agree, if the decision had stopped there, that this statute would have been warranted by the decision in Russell and the Queen.

*Mr. Burbidge.*—I may not reconcile the decisions to your Lordships' satisfaction after what you have said.

*Strong, J.*—I shall be very glad if you can, but I have heard nothing yet on which I consider they can be reconciled.

*Mr. Burbidge.*—It would be a great presumption on my part to say that I could reconcile them after what your Lordships have said, but with regard to these dispatches I shall not trouble your Lordships to go through them. The first I have is a report of Sir John A. Macdonald's, dated the 6th of January, 1873. It is a report on legislation which is always communicated to the Governments interested. It refers to chap. 37 of the Statutes of Ontario. I think that it is likely that it is in the Sessional Papers of 1877, No. 89. It refers to a statute of the Local Legislature relative to the establishment of municipal institutions, and the attention of the Local Legislature is especially directed to the 26th section. Your Lordships may understand the purpose for which I refer to that, and there were a number of others. It was the practice, from time to time, to refer to them for that very purpose.

*Ritchie, C. J.*—In that case the Local Legislatures could only issue unlimited licenses to everybody to sell.

*Mr. Burbidge.*—I am not discussing that question now; I am simply referring to it to show that there was not that acquiescence in the legislation of the Local Legislatures from which you can draw any conclusion.

*Ritchie, C. J.*—What was the effect of the dissent?

*Mr. Burbidge.*—The position taken in that report is the position which is now taken with reference to the 9th enumeration under section 92; that is, that there is no power given there, except to raise a revenue. I believe that has come to be the accepted position in regard to that matter.

*Ritchie, C. J.*—Then they cannot raise a revenue; the Legislature could not pass an Act to say, for instance, that in every municipality twenty licenses shall be issued.

*Mr. Burbidge.*—That is an interference with trade and commerce.

*Ritchie, C. J.*—Everybody might be licensed, and it would not be an interference.

*Mr. Burbidge.*—The common authority might say how many licenses there should be.

*Ritchie, C. J.*—What common authority?

*Mr. Burbidge.*—The Dominion Parliament.

*Ritchie, C. J.*—If the Dominion Parliament should say there should be only one license in any one Province—

*Mr. Burbidge.*—That is the effect of your Lordships' decision.



*Ritchie, C. J.*—Never by me.

*Mr. Burbridge.*—I understood that your Lordships said, in Fredericton and the Queen, that they might say that no license should be issued, or that only one license should be issued.

*Ritchie, C. J.*—Yes, I did say that.

*Mr. Burbridge.*—Then, if they do that, they may deprive the Local Legislature of all revenues.

*Ritchie, C. J.*—Yes.

*Mr. Burbridge.*—Then they may limit that revenue.

*Ritchie, C. J.*—That does not follow at all.

*Mr. Burbridge.*—It seems to me, as clear as can be, that if Parliament may say that the Local Legislatures can raise no revenue at all, because if we can say that we will prohibit the issue of licenses at all, certainly you will admit that we can say that we shall limit them by providing that there should be only one issued.

*Ritchie, C. J.*—The Dominion Government might say that it should not be imported, and then there could be no revenue raised.

*Strong, J.*—If they say that it should not be made in the country, that is another ground.

*Mr. Burbridge.*—I am not discussing this question now for that purpose; I am merely showing that there are many other instances where the power of the Legislatures to deal with this matter has been called in question, and therefore there is nothing to be taken from the argument that it has been acquiesced in by the Dominion Government.

*Strong, J.*—Can we take notice of these Executive dispatches, do you suppose? The proper course would be for Parliament to show its dissent. It is the acquiescence of the Legislature and not of the Government that is important. These dispatches do not show that Parliament has acquiesced in the position taken by the Government.

*Ritchie, C. J.*—And in addition to that, can the Dominion Government now fall back on these dispatches when they have allowed parties rights throughout the Dominion, from year to year, to be governed by these laws?

*Mr. Burbridge.*—I was not referring in these to the acquiescence of Parliament.

*Strong, J.*—I can quite understand that part of the proposition is that the Legislatures of the Provinces, having been allowed to legislate on this subject, raises to a certain extent, the question of *quasi* acquiescence. You argue against that, and say that that is answered by this, that the Dominion Government protested against it.

*Mr. Burbridge.*—I am not understood yet. The position was taken twofold from the bench. His Lordship Justice Henry said that there was an acquiescence of Parliament and an acquiescence of the Dominion Government.

*Strong, J.*—I do not know anything about the Dominion Government; what I rely on is the acquiescence of Parliament. Parliament allowed its powers to remain in abeyance and allowed the Legislatures to exercise them. That is all we have to deal with.

*Mr. Burbridge.*—I quite agree that this has no effect with respect to Parliament allowing it to remain in abeyance.

*Ritchie, C. J.*—The reason why it should have some weight—though not conclusive by any means—is this, that if you can establish now what you seek to establish, that the exclusive power of dealing with this question is with the Dominion Government, as a necessary consequence we must declare that all the legislation and all the Acts and doings of the Local Legislature, since Confederation, with reference to this subject, have been *ultra vires*.

*Mr. Burbridge.*—No, my Lord, I think not.

*Ritchie, C. J.*—Why not?

*Mr. Burbridge.*—For the reason you put in the Poulin case. Your Lordships say: "At the time of the passing of this Act, and at the time of the alleged breach of the law, there was no Dominion legislation, &c." Your Lordships also called attention to that principle which has been very much discussed, and which I do not intend to refer to, but for that in the case of Armstrong and McCutchin. That is what has

been called the principle of overbearing. Armstrong and McCutchin will be found in 2 Cartwright, pages 496 and 497, and 2 Pugsley, page 381. Your Lordships there say :—

“By the Imperial Act legislation on bankruptcy and insolvency is confined exclusively to the Dominion Parliament; and in like manner legislation on civil rights and procedure in civil suits belongs to the Local Legislature. Legislation on bankruptcy and insolvency necessarily involves an interference, to a certain extent, with civil rights; and procedure in civil suits, and so far as such (interference) is necessary for an incident to legislation on bankruptcy and insolvency, it is within the power of the Dominion Parliament to deal with these subjects; and when the Local Legislature deals directly with bankruptcy or insolvency, or the legislation of the Dominion Parliament and the Local Legislature conflicts, so much of the legislation of the Local Legislature as so deals, or interferes, or is in conflict with the legislation of the Dominion Parliament, when legislating within the limits of the subjects of bankruptcy and insolvency, is *ultra vires*.”

*Ritchie, C. J.*—I take back none of that.

*Mr. Burbidge.*—If it is taken for granted in this case that the power of the Local Legislature to deal with this subject is the police power which they get under municipal institutions, and the power of the Dominion to legislate on the question is under the enumerated head of trade and commerce, then there must be a certain boundary between these two subjects. To a certain extent, the Local Legislature must deal with it as a matter of police; to another extent, the Dominion may deal with it as a matter of trade and commerce; and what we are here for to-day is to try to find out where this boundary is, and if we find that the Local Legislatures have, in legislating on their police power, gone further than can be sustained in the presence of Dominion law on trade and commerce, then, in your Lordships' decision the police power must give way.

*Ritchie, C. J.*—The difficulty that occurs to my mind is this: That under trade and commerce, as you put it now, you do not allow them to co-exist, but you wipe out the police power altogether.

*Mr. Burbidge.*—I do allow the power to exist, but the legislation does not exist. Much confusion must arise from not understanding the power co-existing and the legislation not co-existing. Admitting, for the sake of argument, that they have the powers under municipal institutions, what they must find out is, what are the limits of the police powers and what are the limits of the regulation of trade and commerce.

*Ritchie, C. J.*—What we have to do is this: When the Imperial Parliament gave the Dominion the regulation of trade and commerce, was it not to be read with reference to the power given to the Local Legislatures over municipal laws, and that that may be well exercised as a power with reference to trade and commerce and yet not trench on those minor matters which belong to police regulations in the municipality?

*Strong, J.*—A law may be a perfectly good exercise of the police power, you argue, until some other law is passed by the Dominion Parliament under trade and commerce, which clashes with it?

*Mr. Burbidge.*—Yes, my Lord.

*Strong, J.*—The instant that is so, then, of course, the first law has to withdraw.

*Mr. Burbidge.*—Yes, my Lord, and, if in the enumerated items—

*Strong, J.*—Do you not see that that brings us to the defect of this British North America Act, which is supplied in the constitution of the United States? Because there the constitution is the supreme law of the land. There is nothing here saying that the law of Parliament shall be paramount to the law of the Local Legislature. The Wheeling Bridge case was just in that way, that the State could control until Congress legislated. Just so here under the police power a law may be good here under the Provinces until Parliament legislates under trade and commerce. Then the American constitution provides that as Congress is the supreme law of the land the State law must withdraw and give place to it; but where do you find anything of



at kind here? If the law of the Provinces is good *ab initio*, it is good for ever. There is nothing to say that the law of Parliament shall be paramount.

*Mr. Burbidge.*—The Legislature may pass a law which is valid, but the Dominion Parliament may pass a law on bankruptcy, and if it covers the same ground the legislation of the Local Legislature must give way.

*Strong, J.*—Then the law of the Legislature must have been void *ab initio*, not because it clashes with the law of the Dominion under trade and commerce, but because it was bad from the beginning.

*Mr. Burbidge.*—I have argued that the powers could not co-exist; that was the whole force of my argument.

*Strong, J.*—I do not think that powers can co-exist.

*Mr. Burbidge.*—That was my opinion of it at the time, but his Lordship says that they can co-exist. He says: "But while legislation on the subject of imprisonment or debt may be, under some circumstances, involved in legislating on bankruptcy and insolvency, and therefore fit matter to be dealt with by the Dominion Parliament, by no means follows that under no circumstances can the Local Legislature legislate with reference thereto. On the contrary, there may be many cases where the abolition or regulation of imprisonment for debt is in no way mixed up with or dependent on insolvency." There was a power, and it was just as Mr. Benjamin put in the case of *l'Union vs. Belisle*.

*Strong, J.*—There was a power under which a law could be made good, which shall have a temporary effect; that is to say, shall have force until a certain power exercised by the superior Legislature, which proceeds altogether upon the laws that Congress made in pursuance of the constitution of the American system, being the supreme law of the land, which is not provided for here at all.

*Mr. Burbidge.*—That principle was applied.

*Strong, J.*—I never consented to that myself, because I do not see anything in the statute to warrant it, and I do not think it was intended, and I think it is contrary to the decision in the Queen and Burah, and it is contrary to what is said of the powers of Provincial Legislatures, within their attributes, being paramount, in this case of Hodge and the Queen.

*Mr. Burbidge.*—I think that is what is said to be the case of *l'Union vs. Belisle* and in Hodge and the Queen, which says that the power which is exercised under one head one day may be exercised another day under another head, for another purpose.

*Gwynne, J.*—For one purpose. What you contend is, that a Local Legislature may pass an Act regulating the sale of liquors, but it depends on what purpose they do it for. They may do it for the purpose of municipal institutions. That will only be good until the Dominion regulates the same thing under a different power.

*Mr. Burbidge.*—If it has a different power.

*Gwynne, J.*—That is quite a different thing from what the Privy Council said in Russell and the Queen. What they said was, that the power may exist in one for one purpose and in another for another purpose. That is quite a different thing, although I think it is not a very happy way of expressing it. It leads to the construction of what the words "trade and commerce" mean.

*Mr. Burbidge.*—In all those cases it cannot mean anything else but that.

*Ritchie, C. J.*—It appears to me that what your argument resolves itself into is this: That trade and commerce is given to the Dominion Parliament, and that the Local Legislature can deal with trade and commerce until the Dominion Parliament deals with trade and commerce. They do not do that; the Local Legislatures do not deal with trade and commerce; they deal with another distinct and well-understood subject. They deal with the police power of regulating the keeping of taverns and hotels, and the sale in dram shops or saloons. That seems to me to be a different power altogether from the other. That is not trade and commerce. You would not call it trade and commerce in speaking of it. If nothing had been done by the Dominion at all, and that Act was passed, regulating the saloons and dram shops, would you call that trade and commerce? As we have understood the phraseology

with reference to this subject from the beginning, before Confederation and since—would any person say, in speaking of it, that the corporation of St. Johns, when they were regulating dance houses and saloons, and these other small shops where liquor was sold—the hotels—that they were dealing with trade and commerce? I think you would say not. You would say they are police regulations, regulating the different matters, wholly apart from trade and commerce.

*Gwynne, J.*—Is not the purpose of both Acts just the same?

*Mr. Burbidge.*—I am going to discuss the two Acts together, directly.

*Gwynne, J.*—Is it not for the same purpose, namely, regulating the traffic in liquor? What the Privy Council say is, that one may have it for one purpose and another for another purpose.

*Strong, J.*—Do you mean to say that under the power given to the Dominion they can go to the extent of destroying the power given to the Provinces?

*Mr. Burbidge.*—We do not find this given.

*Strong, J.*—That is the point; but assuming it is given, assuming the police power is given by sub-section 8 to the Provinces, can the Dominion destroy it? In other words, I am bound by the decision in Fredericton and the Queen, if not by the decision in Russell and the Queen, that prohibition of the liquor traffic is controlled under trade and commerce by Parliament. But if it came to a question whether the Dominion Parliament could prohibit auctioneers, under the power of trade and commerce, I should say no, and that not under the clause with reference to municipal institutions, but because it would be destroying a source of revenue belonging to the Local Government under the British North America Act, which says in so many words, that the Local Legislature may license auctioneers.

*Mr. Burbidge.*—I can hardly conceive any legislation on trade and commerce that would destroy all local legislation, but I am bound to say that if it was necessary for the regulation of trade and commerce to so destroy the police power, that Parliament would have the power so to do. His Lordship the Chief Justice asked me to say whether I thought the Local Legislatures could, in any sense, deal with trade and commerce. I think that, in a certain sense, they may deal with objects that are the subject of trade and commerce. This liquor traffic is a branch of trade, and as far as it is not regulated by the Dominion Parliament it may possibly be regulated as a matter of private or local concern. I do not see any conflict in that. In *Regina vs. Justices of King's*, page 507, 2 Cartwright, his Lordship the Chief Justice of this court, says:—

“We by no means wish to be understood that the Local Legislatures have not the power of making such regulations for the government of saloons, licensed taverns, &c., and the sale of spirituous liquors in public places, as would tend to the preservation of good order and prevention of disorderly conduct, rioting or breaches of the peace. In such cases, and possibly others of a similar character, the regulations would have nothing to do with trade or commerce, but with good order and local government, matters of municipal police and not of commerce, and while municipal institutions are peculiarly competent to manage and regulate; but if, on the side of this and beyond the granting of the licenses before referred to, in order to raise a revenue for the purposes mentioned, the Legislature undertakes, directly or indirectly, to prohibit the manufacture or sale, or limit the use of any article of trade or commerce, whether it be spirituous liquors, flour, or other articles of merchandise, so as actually and absolutely to interfere with the traffic in such articles and thereby to prevent trade and commerce being carried on with respect to them, we are clearly of opinion they assume to exercise a legislative power which pertains exclusively to the Parliament of Canada.”

*Ritchie, C. J.*—That just covers what I have been trying to throw out, that so long as they have general control of trade and commerce they can shut out the manufacture or sale of spirituous liquors—prohibit it altogether—but when they do not exercise that prohibitory control, then there is a distinct, well-understood branch of law which applies to municipal law, that is, the police law, which regulates



those matters, and the observations I made there are clearly in that direction, which is that that belongs exclusively to the Local Government.

*Mr. Burbidge.*—That brings us, with all due deference, to the position that the prohibition of the trade is the regulation of it.

*Ritchie, C. J.*—I am not saying that is right; I am merely saying that that is the question. You cannot assent to that proposition laid down there and contend that the Dominion Government can interfere with the local police regulations.

*Mr. Burbidge.*—What one day, in the growth of a country, may be a police regulation, may, another day, become a matter of national concern and importance.

*Strong, J.*—The framers of the organic law ought to have provided for that.

*Ritchie, C. J.*—We are called upon now to say what the Imperial Parliament meant when it said that the Dominion Government should have the control of municipal institutions. Well, what institutions did the Imperial Government refer to? Did they refer to those institutions which were in Scotland, in England, or in Ireland? No. In my humble opinion they referred to the institutions which were known and recognised and acted upon, from the day and date of the first origin of these colonies up to the time of Confederation. When we look at that we find clearly and independently of all that this is looked upon as one of the most important. I do not know, as far as my memory goes, from my boyhood up, that there is anything in the municipal institutions in that part of Nova Scotia with which I was connected, or the part of New Brunswick with which I was subsequently connected in my professional career—I do not know that there was any one part of the municipal institutions which they looked upon with more anxiety and as of more importance than those municipal institutions which regulated the sale of spirituous liquors throughout the country.

*Strong, J.*—It was almost their only source of revenue.

*Mr. Burbidge.*—That the liquor trade is inherent in municipal institutions I shall take the liberty to question. I do not wish to detain your Lordships, but this is what I wish to call attention to: In the first place, we must look at the principle of the Act. We find it contained in the 83rd and 84th sections. And if we find those sections good or bad, I think it will remove a great deal of difficulty from this discussion. The 83rd section says:—

“No person shall sell, by wholesale or by retail, any liquors, without having first obtained a license under this Act authorizing him so to do.”

The principle of not selling, by wholesale or by retail, any liquors, without having obtained a license authorizing him to do so—we must remember that that license is not a license for revenue purposes, but a license for regulation or control, a license for limiting, a license under which a registry is kept of persons who are licensed, so that the Government of the country may know who are the persons that are dealing with this article. It is, as I said before, a regulation or control over the trade. Then section 84 is as follows:—

“No person shall keep or have in any house, building, shop, eating house, saloon, or house of public entertainment, or in any room or place whatsoever, any liquors, for the purpose of selling, bartering or trading therein, unless duly licensed thereto under the provisions of this Act.”

So far, therefore, as this Act deals with taverns and saloons, this is the principle of the Act. That principle is with reference to wholesale and retail licenses. Are these provisions regulations of trade, and is it a regulation of trade to say that no one shall sell by wholesale or retail? If it is a regulation of trade, is there any doubt as to which the Imperial Parliament has confided the power to regulate it?

*Strong, J.*—It may be a regulation of trade, but it is a regulation of a peculiar branch of trade, and a regulation in respect of good order and government which is embraced in the police power.

*Mr. Burbidge.*—Then it is a police regulation in respect of trade.

*Strong, J.*—I should say so; but I have yet to learn that it is a legitimate mode of construing any statute, more especially a statute for the purpose of finding out its

constitutional scope, to pick out two clauses in it. In order to find out the general intent and purview of the Act, you must look at the whole of it.

*Ritchie, C. J.*—I do not think you meet the argument, if I may use the expression quite as it ought to be met. Can anybody say that that is not an Act such as would be passed before Confederation, and after Confederation up to the present time, by the Local Legislatures, for the purpose of regulating municipalities?

*Mr. Burbidge.*—I will deal with that when I come to discuss the question of municipal institutions. The Scott Act laid down, in the 99th section, the principle of local option, and in discussing a question of that kind I think it is proper to lay hold of the sections which contain the principle of the Act; the rest is the machinery by which it is carried out. The principle of the Scott Act is contained in the 99th section, where it says:—

“From the day on which this part of this Act comes into force and takes effect in any county or city, and for so long thereafter as the same continues in force therein, no person, unless it be for exclusive sacramental or medicinal purposes, or for *bond fide* use in some art, trade or manufacture, under the regulation contained in the 4th sub-section of this section, or as hereinafter authorised by one of the four next sub-sections of this section, shall, within such county or city, by himself, his clerk, servant or agent, expose or keep for sale, or, directly or indirectly, on any pretense or upon any device, sell or barter, or in consideration of the purchase of any other property give, to any other person any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage, and part of which is spirituous or otherwise intoxicating.”

*Strong, J.*—I will restrict the question. We will restrict the case to the 83rd and 84th sections. I suppose you agree to this, that the 83rd is to be read in conjunction with the 84th. When you read the 83rd by the light of the 84th you see at once that it is regulating public houses, and therefore a provision of ordinary police regulation of such places.

*Mr. Burbidge.*—I do not object to the term “police power,” if we can all come to one understanding as to what we mean by police power.

*Strong, J.*—I should say, if I was not circumscribed by authority that it means everything, including prohibition, without any hesitation or doubt.

*Ritchie, C. J.*—The only difficulty I have is, I think the term “police power” must be read in connection with trade and commerce as opposed to police power, that is the general regulation of trade and commerce, which would cover prohibition, which police power might not cover.

*Mr. Burbidge.*—With regard to this police power, I should like to say this: Of course, in its more restrictive sense, it means prevention of offences against the community. It means, extending the definition, taking criminals and bringing them to punishment.

*Ritchie, C. J.*—You are speaking of the police power as regulating police officers. We are not talking of that—we are talking of the municipal police power, which regulates the government of the State, in which there may be no crime at all, or any thing approaching crime. We are in the habit of using the term “police” as the mere office, and police constables as mere constables, who execute the minor criminal law but that is not the definition. The police power of municipal institutions is a different thing.

*Mr. Burbidge.*—That is not the definition I attach to it. The term comes to have a more expanded meaning. It affects the regulating of markets, lighting of cities, &c. Then when we come to deal with police powers as understood by the French authorities, it has a very much wider sense than that, it touches every detail of administration, and so does the German view of police power. For instance, I claim in its larger sense, that the Dominion has large and most effectual police power. What are the officers appointed for collecting the revenue and preventing smuggling? Is not that exercising the police power?

*Ritchie, C. J.*—Certainly not municipal police power; we are dealing with the municipal police power.



*Mr. Burbidge.*—Is not that the exercise of the police power ?

*Henry, J.*—I think there is a misapprehension in restricting the powers of legislatures to the police power. That is not necessarily the power ; it is the power to do what is put down in the Act, regulate local matters, and the police power comes within one of them.

*Mr. Burbidge.*—What do we mean by police power, then ?

*Henry, J.*—Only fundamental matters, which, under municipal institutions, the local Legislature has power to deal with.

*Mr. Burbidge.*—It would be clearly an exercise of the police power to prevent drunkenness in the streets, and in the absence of any criminal law it would be a good exercise of the powers of Local Legislatures to say that anyone found drunk in the streets should be subject to fine and imprisonment.

*Ritchie, C. J.*—And yet they cannot say, under that police power, that a man shall not be given drink after getting drunk ?

*Mr. Burbidge.*—If being drunk on the streets is a criminal offence, then it ceases to be within the police power and comes under the criminal law.

*Ritchie, C. J.*—That is a criminal offence, and comes distinctly under the Dominion authority.

*Mr. Burbidge.*—It appears to me that we cannot divide the trade. As my learned friend said, the trade is a unit. We cannot separate the wholesale trade from the retail trade, and if this is a restriction of trade, or a regulation of trade, the power is given to the Dominion ; but if it is a mere police power, it is a power exercisable under municipal institutions. This argument has been carried to its full length by leading the words "police power" into the enumerated sections of section 92. For my part, I do not so understand the words "municipal institutions." I understand by municipal institutions that the Legislature had power to create them, to direct them, to give them an organization, and that they will have inherently such powers as are necessary for them to carry on their functions, but that the Local Legislature can give them any greater power than they themselves had, or, that the Local Legislatures can draw power to themselves by creating municipal institutions, I do not think. It does not seem to me that by giving the Local Legislatures power to regulate mere municipal institutions that they have been given power to confer on municipal institutions any authority in excess of the authority that they themselves have. I was very much impressed with my learned friend's argument, when he said that there was no inherent connection between the liquor traffic and municipal institutions. There is, historically, a connection ; but my learned friend pointed out very strongly that there is no uniformity in this respect.

*Ritchie, C. J.*—I think there is. There is a very great connection between the two. If the municipal authorities have the right to interfere with a drunkard on the street, it appears to me, as a necessary consequence, almost, that they have a right to interfere with the man who makes him a drunkard, in the grog shop from which he emerges.

*Mr. Burbidge.*—That is a mere exercise of the police power ; but that does not prevent Parliament legislating on that as a matter of trade and commerce, and the one is subservient to the other.

*Ritchie, C. J.*—As yet I have not heard any argument to show me that in any State, particularly in any Province of this Dominion, the matter of regulating the dram shops has ever been treated or considered, by laymen or by lawyer, a matter of trade and commerce.

*Henry, J.*—The power that is given to the Parliament of Canada is to make regulations to regulate trade and commerce. I took an exception to the Scott Act on the ground that it did not purport to regulate trade and commerce. I take the same exception to this Act, that it does not purport to regulate trade and commerce in any manner or degree. It purports to be what it really is, an exercise of power to license hotels and certain other establishments. It does not pretend, on the face of it, to be an exercise of power to regulate trade and commerce.

*Mr. Burbidge.*—The Scott Act was a stronger exercise of the police power than this Act, and the only difference between the two Acts lies in this, that this Act is more a regulation of trade than the other. I think that the Scott Act is more a police Act than this one, because it was held good by the Privy Council, on the distinct ground that it was passed for the promotion of temperance, and the difference that I find between the two Acts is, that this is less a police Act and more a regulation of trade Act.

*Ritchie, C. J.*—In that case, under the observations I made, I particularly state that I did not see why it was introduced and put on the ground of temperance. That did not weigh with me at all, and I do not think that this ought to weigh with me at all. I must look at the Act itself to see whether it is for that purpose. Their putting that in the recital of the Act as the reason for passing it may be a good or bad reason, but it does not affect it, one way or the other.

*Mr. Burbidge.*—That brings us back to the contents of the Act. There is but one point on which I would like to detain your Lordships for a moment or two, and perhaps the same view may not be taken of it; it is in regard to the distribution of this police power. It seems to me that it is something which must be defined, because of the use we are making of it now, because I claim to the Dominion a very large exercise of police power. I think, when you appoint a revenue officer, that *quo ad* the exercise of the power, that it is a police power. I would like to illustrate that idea by showing the powers which they have. Within the definition of police powers, defined by the French authorities, would come the postal service. When you come to appoint postmasters, with reference to the postal service, the police power of the Dominion is exercised. Then take the question of navigation and shipping, and that, I think, is a very important one. When laws are passed in relation to navigation and shipping to say that a vessel shall come to a certain place in the port, to say that they shall put their ballast in a certain part of the port, that they shall square their yards in a certain way, &c., that is police power over the ship. Furthermore, they exercise police power over the cargo and men, and over the harbor dues. That is a police power exercised by the Dominion. In calling attention to the police power of the Dominion I do not deny the exercise of police powers by the local. This police power, in the wider sense of the term, is the exercise of the details of administration wherever it touches, and in that sense we have to be very careful when we use the term, and when we attempt to give powers to the Legislature under the head of police power, that we are not exceeding the definition of what they have. They may have all the enumerated powers, but they cannot, under the head of police power, draw to themselves the police powers which are clearly and rightfully given to the Dominion authorities. Take quarantine: You take a vessel into quarantine; you send all the goods and passengers ashore and take charge of them; is not that police powers exercised by the Dominion?

*Henry, J.*—These are all police powers, given specially by the Act of the Dominion Parliament.

*Mr. Burbidge.*—I do not deny that. Take the case of the inland fisheries, and those enumerable provisions that are made with respect to the catching of fish in the close season, &c.; is not that police power? Take weights and measures; when we say that a man shall not have light weights or false measures, and inspectors are appointed, is not that police?

*Strong, J.*—The explanation of that is given by my brother Henry, that in the instances something was extracted from, expressly taken out of the police power of the local authorities and given to the Dominion.

*Mr. Burbidge.*—I am only showing that they exist. In regard to the fisheries that is a police power that municipal authorities were accustomed to exercise before Confederation. In regard to navigation, dams, keeping rivers clear—that is a police power which the municipal bodies had been accustomed to exercise before Confederation.

*Ritchie, C. J.*—Not with reference to dams on streams; that was done by the Legislatures always.



*Mr. Burbidge.*—I intended to use the word “booms.”

*Ritchie, C. J.*—I do not know a boom in Nova Scotia that was not authorized by the Legislature of the Province.

*Mr. Burbidge.*—But the municipalities had power to regulate booms and the driving of the rivers. It is not necessary for me to refer to the police powers exercised with regard to criminal law, because that is too familiar to you all, but I say they are police powers in this wider sense with regard to trade and commerce, and if your Lordships are unwilling to call these an exercise of trade and commerce, but an exercise of police powers, they are an exercise of the police powers in regard to that subject. Not only these are an exercise of police powers, in the wider sense of the word, in respect to all the subjects I have enumerated, but there is also an exercise of the police powers with regard to trade and commerce.

*Ritchie, C. J.*—The argument of Mr. Bethune was that the Privy Council says it is not so.

*Mr. Burbidge.*—In one moment I will come to that. Then, if these are police regulations with respect to trade and commerce, we must see which power has them, because his Lordship, a moment ago, said to me, and his Lordship Justice Henry said yesterday, but these police powers that we have enumerated, all these police powers that were exercised by municipal bodies before Confederation, are withdrawn and given specifically to the Dominion Parliament—weights and measures, navigation and shipping, fisheries—all these are specifically given. Is not trade and commerce given, and with these are police regulations in regard to trade and commerce; has not the Dominion Parliament the power to legislate in regard to them? That brings me to the point which his Lordship says—but the Privy Council has said in the Queen and Hodge that these were powers which might be exercised by the Local Legislatures.

*Ritchie, C. J.*—No, it goes further than that; it says these are local matters, over which the Local Legislatures have the sole control.

*Mr. Burbidge.*—Yes, my Lord; but there is the idea of a limited locality. What his Lordship Justice Strong has referred to is generalization—territory.

*Strong, J.*—What I understand by the local and private Acts referred to there in section 92, are Acts which are called, in regard to legislation of the Imperial Parliament, local and private. I attach no importance to that at all. In the Hodge and the Queen case, I understand the Privy Council to say, although they do allude to that power, too, is that under the municipal institutions, that is sub-section 8, this police power was possessed to such an extent by the local as to authorize the Legislature of Ontario to pass the Crooks Act.

*Mr. Burbidge.*—I do not know that they intended entirely to put it on municipal institutions.

*Ritchie, C. J.*—They say: “These seem to be all matters of a merely local nature in the Province, and to be similar to, though not identical in all respects with, the powers then belonging to municipal institutions under the previously existing laws passed by the Local Parliaments.” And they add: “As such they cannot be said to interfere with the general regulation of trade and commerce, which belongs to the Dominion Parliament, and do not conflict with the provisions of the Canada Temperance Act, which does not appear to have as yet been locally adopted.”

*Mr. Burbidge.*—I quite understand that, but my view of that is that they had in their minds what they occasionally had—that is, the territorial test, that in the absence of a Dominion Act dealing with this whole subject as a matter of trade and commerce, it was only local, and was not extended to the whole territory. The test of territory is not always a fair test.

*Ritchie, C. J.*—How do you reconcile that with the statement that they do not interfere in any way with the general regulations of trade and commerce, which belongs to the Dominion Parliament?

*Mr. Burbidge.*—Because they call attention to the fact that the Canada Temperance Act is not in force.

*Ritchie, C. J.*—If it had been in force, there would have been an end to the whole thing. Will you explain this language: "They cannot be said to interfere with the regulation of trade and commerce, which belongs to the Dominion."

*Mr. Burbidge.*—Because there is no general regulation of trade and commerce, and that is what they mean.

*Henry, J.*—They say it is only general regulations that are to be considered. They do not say that they shall go down to the small minute matters. They say: "General regulation of trade and commerce."

*Mr. Burbidge.*—They say: "We stand by Russell and the Queen, and the reasons we gave for it." I say that Russell and the Queen is more of a police Act than this. That Act they decided good distinctly on the principle that it was an Act passed for good order and for the promotion of temperance throughout the whole Dominion. If that is not a police Act, I do not know what is.

*Henry, J.*—Then the decision in the Hodge case, being a later decision, must virtually reverse the decision in the Russell case.

*Strong, J.*—I agree with you. I think prohibition is more of a police measure than a regulation.

*Mr. Burbidge.*—Beyond all question, and the only difference between the two Acts is that this was a stronger exercise of the police power than the other; one is a conditional and limited exercise of the power and the other is an absolute exercise of the power. They have said that an interference with this trade is prohibitory; a police power exercised in that way for the whole country is a good one, and they say "We stand by it, and by the reasons we have given," but they say this Act passed in a Province, local in its operation, in the absence of the Canada Temperance Act or any general legislation by the Dominion Parliament in regard to trade and commerce, is good; but they say that an Act lately passed for one purpose one day under one set of powers and by another Legislature another day under another.

*Ritchie, C. J.*—Where do they say that?

*Mr. Burbidge.*—In Hodge and the Queen, page 130, 9 Appeal Cases.

*Henry, J.*—They did not intend them to act concurrently.

*Mr. Burbidge.*—Speaking of Russell and the Queen: "The principle which the case and the case of the Citizen's Insurance Company illustrates is, that subjects which, in one aspect and for one purpose, fall within section 92, may, in another aspect and for another purpose, fall within section 91." They say: "We stand by Russell and the Queen," and in saying so they state that an Act passed for police purposes for the whole Dominion is a good Act. And they have said further, that the exercise of the police power in respect to the same subject in a locality is a good exercise, in the absence of the Temperance Act and in the absence of a general law relating to trade and commerce.

*Ritchie, C. J.*—They do not say that. They do not say in the absence of any law.

*Mr. Burbidge.*—They say it does not conflict with any law.

*Henry, J.*—It does not conflict with the power of the Local Legislature.

*Ritchie, C. J.*—They say, except it interferes with the general regulation of trade and commerce, which belongs to the Dominion Parliament. You say that the exercise of that power does conflict with it?

*Mr. Burbidge.*—They say that it conflicts with the power after it is exercised. It is beyond argument that they have said that a police Act in regard to this subject passed for the whole Dominion, is a good Act, and they have said that they stand by it, and by their reason for coming to that conclusion; and in the same decision they have said that the exercise of a police power, not quite so full, is good, when passed by the Local Legislature in that locality. They have said that, and your Lordship cannot reconcile it on any other doctrine than that they intended, to say in the absence of legislation —

*Strong, J.*—This Act resembles the Act passed by the Province of Ontario, which they upheld in their last decision.

*Mr. Burbidge.*—It is impossible to reconcile it on any other view than that the intended to say—



*Ritchie, C. J.*—Can anybody read this judgment and what is said there and come to the conclusion that they were of the opinion that the Dominion Parliament had power to repeal that Act by passing another Act on the same subject?

*Mr. Burbidge.*—I think so; it is my view of the case—it must be so. There is no other way to reconcile the judgments. If an exercise of police powers with respect to this subject—if an Act passed by the Dominion for the whole country, is good—if an Act with less police restriction and more regulation of trade, and therefore more clearly within the power of Parliament, is good, as passed in the Province, locally, there is but one way out of it, and that is that they intended to say that in the absence of the Canada Temperance Act being in force, and in the absence of any legislation by Parliament, they would uphold that much of the police power; but when the Dominion came, under another state of affairs, to exercise that power in respect to the whole Dominion, that would be a good exercise of the power.

*Henry, J.*—I think whoever comes to argue this appeal before the Privy Council again (composed of the same members) will find that they did not intend that such construction should be put upon it. They will stand by the judgment given, absolutely, whether right or wrong, like the Irishman who swore that the horse was 'feet high, and said he would stick to it.

*Ritchie, C. J.*—How can you get over this language?—"Their Lordships consider that the powers intended to be conferred by the Act in question, when properly understood, are to make regulations in the nature of police or municipal regulations of a merely local character, for the good government of taverns, &c., licensed for the sale of liquors by retail, and such as are calculated to preserve, in the municipality, peace and public decency, and repress drunkenness and disorderly and riotous conduct. As such they cannot be said to interfere with the general regulation of trade and commerce, which belongs to the Dominion Parliament." Have they not there, in so many words, taken all these matters out of the category of trade and commerce which is given by section 91 to the Dominion Parliament?

*Mr. Burbidge.*—Is not the very ground on which they held the Scott Act good—that it was applicable to the whole country?

*Strong, J.*—I should say that that was pre-eminently a police Act.

*Mr. Burbidge.*—I quite understand that if it had been before them as passed by Local Legislature, simply applicable to one place, that they would have said it was good exercise of the power locally, that it was for the peace and good order of that locality only, and they would have said that that was a good exercise of it, locally, as police power.

*Strong, J.*—They did not say that.

*Mr. Burbidge.*—I think they said it was a good Act because it was for the promotion of temperance. They clearly based their judgment on it on the ground that was a police Act.

*Henry, J.*—They thought it an improvement on the system which prevailed before a general law to operate over the whole Dominion existed.

*Mr. Burbidge.*—There is only one of two conclusions to be reached: either that Russell and the Queen is wrongly decided, or that they mean to say that Parliament may can pass this Act, and the local Act from that time can be of no avail.

*Strong, J.*—I will not say that Russell and the Queen is wrongly decided, but they assign a wrong ground for their decision.

*Mr. Burbidge.*—They say that they stand by their decision in that case, and the reasons they gave for it.

*Strong, J.*—Putting it as they do originally, in their original judgment in Russell and the Queen, on the police power, and saying, afterwards, in the case of Hodge and the Queen, that they adhere to that judgment, they exclude the point of trade and commerce, and therefore they make the two judgments inconsistent; that is to say, they show that the police power resides, for the purpose of prohibition, in the Dominion Parliament, and for the purpose of regulation in the Local Legislatures, a purely arbitrary distinction, unless, as you say, there is a power of supersession in the Dominion Parliament.

*Mr. Burbidge.*—They put it in one case as police power and in the other as regulation of trade and commerce.

*Strong, J.*—Yes; I should say that Hodge and the Queen was more a regulation of trade and commerce than Russell and the Queen. Although the Supreme Court—and I do not for a moment say a word in dissent from the judgment of their Lordships in the Supreme Court, that it was a matter of trade and commerce—I am bound by that decision, but I am not bound to say that the two judgments of the Privy Council are consistent, though I am bound to bow to them, I suppose, under the circumstances, we must follow the later one.

*Mr. Burbidge.*—The only way I can see they are consistent is—

*Strong, J.*—By following the words of this court in Fredericton and the Queen. If they stand by their own reasons, the two judgments of the Privy Council are inconsistent, unless they wish to advance a new doctrine, the one that you have just now stated, that the Provincial Legislature may pass a law which may afterwards be superseded by the Dominion. That is the only alternative to the two judgments being conflicting.

*Mr. Burbidge.*—That is the logical conclusion. I must apologise for having detained your Lordships so long, and I have to thank your Lordships for the patient hearing which you have given to my remarks.

*Mr. Irving.*—On the subject of the reply, in accordance with the direction of your Lordships, that the counsel on behalf of the Provinces should arrange by whom the reply should be made, I have to say that all the learned counsel decided that the selection should be left to my discretion. Subject, therefore, to your Lordship's approval, I have decided to call upon Mr. Blake to reply, on behalf of the Province, to the arguments of the learned counsel on behalf of the Dominion.

*Mr. Blake.*—I shall, of course, presuming that your Lordships desire to have the case concluded to-day, as shortly as possible, present in the first place a restatement of the grounds, in a few words, of the position taken by the Provinces in the opening; and secondly, I shall make a few observations in answer to what has been adduced by my learned friends in reply to the positions taken by us and I think that we owe something to my learned friends for having so distinctly and plainly presented to the court what I could merely gather incidentally from the factum, and that I do not exaggerate in stating to your Lordships, in the opening of the case, that if the judgment were to be found, as my learned friends for the Dominion contended, the result would be, that in regard to every trade, or every class of business, or any matter, to the very minutest particular, the Dominion has the control, and all the powers of the Provinces are really gone; and suggesting that possibly there might be that result, a suggestion that we have in the factum as to hotel licenses—rather calling attention to it—my learned friends have taken it up and said that is what we claim, and what the British North America Act, read in the light of certain cases, gives to us.

Now the first position was this: That these matters were within section 92 and not section 91, and that of section 92, sub-sections 8, 9, 13, 15 and 16 give the whole control to the Provinces. That was the first position that we took; and as to section No. 8, which is the municipal institutions, that the powers there were assigned for police regulation and entirely opposed to trade and commerce, and we developed to your Lordships the idea of the pre-existing legislation, showing that municipal institutions covered all these matters, and that trade and commerce, as understood at the time of Confederation, covered none of them.

The second position was, under sub-section 9, that the sole power to grant licenses for those purposes was in the Provinces; that otherwise the Dominion could cut down entirely the rights of the Provinces, by causing a second license to be charged, and therefore blotting out the trade; and in addition to that we presented to your Lordships the fact that this was not for Dominion revenue purposes, and that therefore the Dominion had no right whatever to make any such charge against any person, and that it was merely a cloak to endeavor to cover an illegal Act, putting it as it was in this statute.



Then we also stated that under sub-section 13 this was a matter of property and civil rights, and we presented to your Lordships the position that a right was given to the person in the Province by virtue of the provincial license, and that right being given, if there was any right to interfere on the part of the Dominion it could be for revenue purposes, and this not being for revenue purposes, that the person had a right of property in respect of that matter, and the Dominion could not interfere with the position which was given to him, with the right he then possessed, with the civil property he then could claim, that he could not be interfered with by the Dominion, and that therefore, under sub-section 13, we were entitled to claim that this was excepted out of section 91. Then under sub-section 15, which had to do with the criminal law, that also was a fourth ground; and the fifth, because it was generally a matter of merely local or private nature in the Province. So that we claim that under these five clauses in that section that we were entitled to claim that it was abstracted from section 91.

Now we argued, firstly, to your Lordships that that was clear, from the evidence and fair construction of the words "municipal institutions," on the one hand, and "trade and commerce" on the other; and we asked your Lordships, without looking at any of the surrounding cases or authorities, to come to the conclusion that because of the words "trade and commerce" coming where they do, *noscitur ex sociis* applied, and the words "municipal institutions" themselves must be placed in section 92, and consequently withdrawn from section 91. Then we asked your Lordships, in addition, to look at the pre-existing legislation as being another means of arriving at that conclusion. Firstly, the fair intendment of the Act as it read, and giving certain weight and significance to each word of these sub-clauses, and secondly, looking at the state of matters on which this is to be built as a sort of superstructure, the foundation being there in the existing state of matters at the period of Confederation. And then I put in there what your Lordships referred to—although not put in argument at the opening of the court—and that was the consensus of opinion from that period onward, not the utterances of the individual, but the utterances of these various Legislatures, from time to time, claiming from 1867, onwards, by the numbers of Acts passed, that the Provinces had the right, that this was a matter that was within the control of the Local Legislatures, and the Dominion, in the most plain way, not only not vetoing it, but not attempting to legislate in the matter until 1883. And therefore we, having this matter thus surrounded, I submit to your Lordships, not only the plain language of the Act, but surrounded by such a body of matter usually taken to elucidate or expound an Act, and your Lordships, if there were any doubt, must be driven to but one conclusion, that the Dominion did not intend to retain, that the Provinces did intend to retain, and that the Provinces now have the power for which we are contending. Then we submit, also, that if there could be any shadow of doubt upon the question, that the case of *Regina vs. Hodge*, whatever may be said about other decisions, whatever may be said about the *obiter dicta* in other cases, we have there plain and distinct statement of two facts: first, that this does come within police or municipal regulations, and secondly (because his Lordship the Chief Justice has more particularly called the attention of the counsel on the other side several times to this point) it is not only affirmatively but negatively that this is presented; affirmatively, that it does come within the municipal or police regulations and negatively that it does not come within trade and commerce, and therefore that this is not a question of this court being bound by what the Privy Council has said on this plain, distinct, and exact matter that is raised, because Mr. Bethune very fairly said, when we take up this Act of the Dominion and read it, he does admit that it provides almost identically for the same objects as you find in the Ontario Act, and therefore we have the opinion of the Privy Council upon an Act almost identical with that which is before your Lordships, and expounding that, they say that Act is in force because these regulations are of the class that are brought within the purview of the Provinces and are not within the purview of the Dominion. And so, affirmatively and negatively, we have presented that distinct, and we have the adjudication of the court upon it. That stands, of course, as has been so often said, upon the last and

most distinct authority for this proposition. Now, I considered, as far as I could, the case of Russell and the Queen, firstly, because his Lordship the Chief Justice has said it was right and proper that this court should, if it could be done, remove the certainly apparent discrepancy that exists between the Russell case and the Hodge case, and secondly, because his Lordship Justice Gwynne says there is no discrepancy between the Hodge case and the Russell case. I submit to your Lordships while you cannot do that, so far as all the *dicta* in the two cases are concerned, that certainly the court, perhaps going a little further than on the matter being presented to the Privy Council—if it is not treason to say so—might think that they had gone—perhaps going a little further—in making the admission that infallibility does not pervade every creature in the world, and therefore that to err is human and there would be divine forgiveness if the matter was pointed out, on this side of the water, and the matter passed over, it would have been easier for your Lordships to decide this case if the admission had been made. The difficulty of construing these two cases side by side is not in the disposition of the subject matter that was brought before the court in the Russell case and the subject matter brought before the court in the Hodge case, but rather the endeavor to reconcile certain statements which were unnecessary to the disposition of the Russell case. In fact, their Lordships having distinctly laid down what was laid down by His Lordship Chief Justice Haggarty, and laid down by your Lordships in this court, that it was not wise to go beyond the immediate subject of the Act, while approving of that, they strayed, as far as they reasonably could, outside of the case in disposing of it, and that had led, to a large extent, to the difficulties presented to your Lordships, and led (I state openly) to the passing of the Dominion Act; and led, as I believe, and more than I believe, because I happened to know that it led, to the appeal in the Hodge case to the Privy Council, for it was based on these *obiter dicta* of the Privy Council in the Russell case; that led them to go to the Privy Council in order to endeavor to have them affirmed, not to the decision (because we could not put the same point before them in issue in the one case as in the other) but to affirm or confirm the *obiter dicta* in the Russell case by negating the decision of our Court of Appeal in the Hodge case. I desire, therefore, not to explain away the *obiter dicta*, but to say that so far as the judgment is concerned, the one can be reconciled with the other, and I ask your Lordships' consideration of page 20, 1 Cartwright, of this observation, which I think gives the *ratio decidendi*, and which enables their Lordships to say in the Hodge case: "We take nothing back of our decision in that case, so far as any statement made that might have been necessary to the decision of the point." I do not know whether it was this that his Lordship Justice Gwynne referred to when he said that the two could be reconciled. At page 20, 2 Cartwright, they say:—

"The Act in question is not a fiscal law" (that is, the Temperance Act, the Act that was brought up in Russell and the Queen); "it is not a law for raising revenue on the contrary, the effect of it may be to destroy or diminish revenue; indeed, it was a main objection to the Act that in the city of Fredericton it did, in point of fact, diminish the sources of municipal revenue. It is evident, therefore, that the matter of the Act is not within the class of subject, No. 9, and, consequently, that it could not have been passed by the Provincial Legislature by virtue of any authority conferred on it by that sub-section."

Gwynne, J.—In the case of Fredericton and the Queen, one of the judges in New Brunswick gave his opinion that the Dominion could not pass it because it would interfere with the right of the Local Legislature to levy under section 9, and I drew attention to that in my judgment, in which it appeared to me they just inverted what the Act had provided.

Mr. Blake.—What I base the difference between them on is this: In the Russell case the anchor whereby they sought to hold that within section 92 was sub-section 9. In order to hold it in sub-section 9 there must be the raising of a revenue; but the moment it was admitted that they did not mean to raise a revenue, then the anchor whereby they sought to hold it, in section 92, gave way, and it fell back in



section 91. Now, that was the *ratio decidendi* of the Russell case. There is a certain matter which may bring this subject into section 92; that is, this sub-section 9.

*Gwynne, J.*—The Russell case, I think, is not limited to that.

*Mr. Blake.*—But that was the ground on which the court came to the conclusion. There were a great many other expressions which might have been left unsaid, but there was the ground of decision. I will show that the decision was based on that. They did not seek to bring the case within section 92 by virtue of sub-section 8, but they simply said, there is sub-section 9, which has to do with the raising of revenue. But, answer the Privy Council, this is not the raising of a revenue, and the moment it ceases to be for raising a revenue, then it ceases to be within sub-section 9, and the only means by which you can draw it inside of section 9 is gone, and therefore it comes within section 91, and therefore the Dominion deals with it.

*Gwynne, J.*—Those observations were only addressed to the words used by the judge below.

*Henry, J.*—That is all very true, but the learned judges forgot that although it was given only for revenue, there was a power to regulate all that and to control the whole subject, so as to give them the benefit of raising a revenue; and more than that, that the interference with the other Parliament destroyed the very power to raise a revenue.

*Mr. Blake.*—I am not here to shrieve the Privy Council for their many sins, but what I do ask your Lordships' attention to is this: That this is a matter of the reason for a decision, and that the reason is here assigned, and when the court afterwards says: "We stand by that," it is not standing by every sentence; every line and every word in the judgment, but they stand by the decision and the mode in which they have decided.

*Strong, J.*—What you are doing is eliminating the *ratio decidendi* in Russell and the Queen from the debris of the judicial dicta which surrounds it, and showing that the decision itself does not conflict with the Hodge case. I do not think it will make any difference in the determination of this case, but if you are able to do that you will relieve me of great difficulty.

*Mr. Blake.*—His Lordship said that it was the duty of the court to do so. If it be so, it is the duty of the counsel, so far as they can, to aid the court in doing that, and therefore it is that I have read this over several times with the Hodge case, to get at what was really the essence of the matter. Then they proceed, based upon that, to say what is the finding:—

"Assuming that the matter of the Act does not fall within the class of subjects described in No. 9, that sub-section can in no way interfere with the general authority of the Parliament to deal with that matter."

*Gwynne, J.*—One of the judges below insisted that it did.

*Mr. Blake.*—What they say is this: "This either comes within section 91 or 92. You have assigned but the one reason why it comes within section 92, and that is, because it comes within sub-section 9. We have canvassed whether sub-section 9 brings it in; we find that it cannot, and therefore we let it fall within section 91." I am not saying whether it is right or wrong, or whether it is reasonable or unreasonable; I am simply endeavoring to pursue the line of argument of the court, and endeavoring to find whether it is based distinctly on that, and being based on that, it does not in any way interfere with the decision in the Hodge case. Then what does he say? "If the argument of the appellant, that the power given to the Provincial Legislatures to raise a revenue by licenses prevents the Dominion Parliament from legislating with regard to any article or commodity which was or might be covered by such licenses, were to prevail, the consequence would be that laws which might be necessary for the public good or the public safety could not be enacted at all. Suppose it were deemed to be necessary or expedient for the national safety, or for political reasons, to prohibit the sale of arms, or the carrying of arms"—I ask your Lordships' attention, also, to the general words and to the general illustrations, because I think you may, here and there, get a passage, or sentences, which rather favor the position of an overriding authority; you get in other passages of the judg-

ment, unfortunately, such words as "prohibit," to show that instead of overriding and overlapping, a distinct line drawn, and that it might be a prohibition; then he says: "It appears to them that legislation of the kind referred to, though it might interfere with the sale or use of an article included in a license granted under sub-section 9, is not in itself legislation upon or within the subject of that sub-section." That, they say, is the only matter presented to them as taking it within section 92; and they find it does not come within section 92, because that section has not the force and effect claimed for it, because this Act does not raise a revenue, and finding that, then they say it has not been withdrawn from section 91, and therefore the Dominion has the power to deal with it. It says, here "the true nature and character of the legislation in the particular instance under discussion must always be determined, in order to ascertain the class of subjects to which it really belongs. In the present case, it appears to their Lordships, for the reasons already given, that the matter of the Act in question does not properly belong to the class of subjects, 'property and civil rights,' within the meaning of sub-section 13. It was argued by Mr. Benjamin that if the Act related to criminal law it was provincial criminal law, and he referred to sub-section 15 of section 92, viz., 'the imposition of punishment by fine, penalty or imprisonment, for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this section.'" No doubt this argument would be well founded if the principal matter of the Act could be brought within any of these classes of subjects; but as far as they have yet gone, their Lordships fail to see that this has been done. "Nor was it denied with respect to this last contention, that the Parliament of Canada might have passed an Act of the nature of that under discussion, to take effect at the same time throughout the whole Dominion."

Your Lordships perceive that the whole case was, as I said in opening the case here, given away, because in the solemn judgment of the Privy Council they say it was not denied but that the Parliament could pass this Act if it went into effect over the whole of the Provinces on the one day.

*Gwynne, J.*—They seem to think so.

*Mr. Blake*—I am endeavoring to cut away all the dead wood from the judgment and to give your Lordships the matter on which it proceeded; and we therefore have the fact that the learned judges there came to conclusion No. 1: You have argued but two points before us, first, that sub-section 9 draws this within the purview of the Province.

*Strong, J.*—One of the learned counsel is now before us who argued that case on Hodge and the Queen. Which case have you just read from?

*Mr. Blake*.—Russell and the Queen.

*Strong, J.*—It was quite possible that that was argued by English counsel, and it is possible that they may have made that admission, and if their Lordships intended to recognize that there is an end to this case, because they say at once that the Parliament of Canada has the authority to pass such an Act as this. They say: "Not only have the counsel admitted that, but we approve of it."

*Mr. Blake*.—It is in Russell and the Queen, and I have read over that case half a dozen times in order to get at this, and I have given what I thought his Lordship Justice Gwynne found the first day, when he said that there was no discrepancy between them.

*Gwynne, J.*—I tell you candidly I think so still. I do not see the discrepancy in their judgments.

*Strong, J.*—I see a great discrepancy.

*Henry, J.*—There may be a discrepancy in the judgments and not in the reason after all.

*Mr. Blake*.—Closing that with simply calling your Lordships attention to the fact that what the court says, there is this: "You only raised two points before us—first that sub-section 9 drew this within the provincial purview; we do not find that that can possibly be so, because there is no raising of a revenue. You argued a second point, and that is this, the Act is invalid, because it does not go in force over the whole



Dominion at the same time; that we find is not a reason for declaring the Act invalid." Those are the two points simply that they disposed of, and then they deal with a number of other matters, giving their views and opinions for what the views and opinions of gentlemen of such skill and knowledge in such matters may be worth. Now, what they endorsed is what every court does endorse, not their *obiter dicta*, that may be spoken, not everything that may be said by any judge giving a judgment, but they say: "We endorse that, and we say if Russell and the Queen were before us again we would dispose of it as we did then dispose of it, because you have not drawn it within section 92. The only point you argued was whether it should come in force on the one day or not, and we have decided on that."

*Ritchie, C. J.*—They said that after hearing all that could be said with regard to the clause relating to municipal institutions, and they certainly affirm, in Russell and the Queen, the conclusions and the reasons on which it was based, and they declare that stands as law, notwithstanding all they have heard.

*Mr. Bethune.*—They do not intend to vary or depart from the reasons given.

*Ritchie, C. J.*—Therefore, they would have been bound, if they had thought on the new light thrown by the learned counsel who argued the Hodge case, with reference to the municipal institutions of the country—they would have been bound, if they thought municipal institutions were interfered with, to reverse the decision they had given in the Russell case. They say: "Not only do we say that the decision and the result of it was right," but they say: "The reasons we assigned for it were right," and the result could not be right if municipal institutions were interfered with. It could not have led to a different conclusion if that section had been called to their attention, because at the time they say that Russell and the Queen is right, and the reasons on which it is founded are right; at that time they had had before them all that could be said with reference to municipal institutions.

*Mr. Blake.*—Certainly, my Lord; and there are the two modes of looking at it, and looking at it as your Lordship does, no doubt the Privy Council could not have said what they did say in the Hodge case. What I say is simply this: There are two ways to look at it; one is: "We are not going to take back one word in that judgment, because we decided on one of two matters. We had only those two matters before us, and if you present it before us again in the same way, we will depose of it in the same way."

*Strong, J.*—I entirely agree with what his Lordship the Chief Justice has just said, and I follow it up in this way: The irresistible inference of the two cases is this—either they made a purely arbitrary distinction between prohibition and regulation or else they intended to sanction that doctrine which Mr. Burbidge argued for, namely, that there might be local regulation, temporarily, which might afterwards be abrogated or suspended by the Dominion legislating.

*Mr. Blake.*—Then your Lordship finds out that the conclusion is clear—"Their Lordships having come to the conclusion that the Act in question does not fall within any of the classes of subjects assigned exclusively to the Provincial Legislatures, it becomes unnecessary to discuss the further question, whether its provisions also fall within any of the classes of subjects enumerated in section 91," and so they close their case, the two matters presented, the two matters disposed of, and that is all, although there was a vast amount of matter spoken of by the court. The reason I referred to Russell and the Queen was simply because of what his Lordship the Chief Justice said as to the possibility of reconciling the two cases, and because his Lordship Justice Gwynne thought there was no discrepancy between them. I do not admit for a moment that the case of Russell and the Queen interferes with the fullest determination of your Lordships on this matter, following what is simply an incidental reference, looking at the subject matter of Russell and the Queen, as compared with the Hodge case, which is a distinct finding upon the very matter and in the light presented to the Privy Council, such light as has been thrown upon it by the various matters that have been given to this court; and that it is utterly impossible, looking at the two-fold manner in which Hodge and the Queen has presented it, it is utterly

impossible to come to any other conclusion than that the Privy Council has said that these matters (and your Lordships will bear in mind that they go through them and state these matters, and that, therefore, instead of being cast back to Blackstone, in order to know what police regulations might be, we have gotten the judgment of the court to-day, stating that these are absolutely police regulations) that these are absolutely drawn within police regulations, and that therefore, instead of one hundred years ago what might be drawn within it and what might be a question of the change of the words, and the alteration, and so on, we get the distinct statement here, that these matters, specifying them specifically, are matters of police regulations, and that they are not brought within trade and commerce.

*Gwynne, J.*—In *Hodge* and the *Queen*, do they not say something with reference to what the effect would be if the Dominion Parliament passed a general Act?

*Mr. Blake*—No, my Lord. I would just ask your Lordships' consideration for one moment on this further point, when your Lordships are considering, if your Lordships do at all consider the case of *Russell* and the *Queen*, that when the Privy Council were considering it, in the *Hodge* case, they then took it up and said:—

"The sole question there" (that is, in the *Russell* case) "was whether it was competent to the Dominion Parliament, under its general powers to make laws for the peace, order and good government of the Dominion, to pass the *Canada Temperance Act*, 1878, which was intended to be applicable to the several Provinces of the Dominion, or to such parts of the Provinces as should locally adopt it. It was not doubted that the Dominion Parliament had such authority under section 91 unless the subject fell within some one or more of the classes of subjects which, by section 92, were assigned exclusively to the Legislatures of the Provinces."

Now, I had marked that, but I had omitted to mention it to your Lordships because I think that where they give a little *resumé* of the *Russell* case, and where they say we stand by the *Russell* case, it must be taken that they stand by the *Russell* case as they specify it in the *Hodge* case, and what they say they stand by and they do not take one word back from it, it not being doubted that the Dominion had such authority under section 91, unless the subject fell within one or more of the classes of subjects of section 92, it was left to us to say whether, under sub-section 9, it was brought within our jurisdiction. It was in view of that short statement brought before them in the *Hodge* case, that they say: "If you should bring the same thing before us to-morrow, in the same way, we would come to the same conclusion as we did in the *Russell* case."

*Henry, J.*—There were two issues raised; the jury find on that, and judgment of the court is pronounced; another party comes in and says: "Oh, there is a third issue;" you appeal to the record and see that there are but two.

*Ritchie, C. J.*—As far as I can see, and I have read that judgment, and the reference to it in the *Hodge* case, they mean as fully and fairly as men can say—"What we did say in *Russell* and the *Queen*, the conclusion we arrived at, and the reasons on which the judgment was based was perfectly correct," and that is the law they would lay down at that very day when they had heard the full discussion on the subject of the municipal institutions of the country, and had the whole matter before them.

*Henry, J.*—That goes back again to the question of two issues.

*Ritchie, C. J.*—What was *Russell* and the *Queen* but that the Dominion Government had the right to prohibit under police, and without reference to trade and commerce?

*Strong, J.*—Had you come here with the decision in *Russell* and the *Queen*, and without the decision in *Hodge* and the *Queen*, we could not for a moment doubt the competency of the Dominion Parliament to pass this *License Act*.

*Ritchie, C. J.*—Could we have listened to one word against that decision, confirmed, as it is there, with reference to its correctness, wholly irrespective of any issues at all, and not only backed by that decision but by the reasons that are given for it?



*Henry, J.*—Whenever it appeared to me that the court had the admission that the Dominion Parliament could pass the Canada Temperance Act, if that was admitted by the counsel, who is to be bound by it here to-day? What was the answer of the Privy Council? Why, you admitted that Parliament could pass the Act, and therefore we do not decide that point. You admitted it, and we are not called upon to give any judgment upon it.

*Ritchie, C. J.*—I confess that is a doctrine which I think should not govern this court or Dominion. We cannot suppose counsel going before the Privy Council and making admissions, if the Privy Council should give a decision upon it, that that should bind the constitution of this country, and that all parties should be bound by it. We must think that the Privy Council came to the conclusion wholly irrespective of any admission, because there was no person there competent to make an admission of that kind.

*Mr. Blake.*—I would have thought so, except for what we find in this distinct statement, and I have only one further observation to make, that the judges have said: "Whether you are right or wrong, you have misunderstood the Russell case." They say here: "It appears to their Lordships that Russell vs. The Queen, when properly understood, is not an authority in support of the appellant's contention." In order to correct a misapprehension they give a *resumé* of what they stated, and so that is the true construction of the case. I am not arguing before your Lordships as to whether the Privy Council might have done something else, and have said: "We have more light; we were wrong, and we regret it, and we give our decision otherwise in Russell and the Queen."

*Strong, J.*—If they had said that, they would have commanded my respect—if they had accounted for the difference in the two decisions.

*Mr. Blake.*—But they did not approach it in that way. They approached it with an idea not of making any admission but endeavoring to reconcile what I consider irreconcilable. They give a little *resumé*, and they say that that little *resumé* giving what they intended to decide, is right, and that is all they say. They quote certain portions and then add that it appears to them that Russell and the Queen, when properly understood is not an authority in support of the appellant's contention and they add "their Lordships do not intend to vary or depart from the reasons expressed for their judgment in that case. The principle which that case and the case of the Citizen's Insurance Company illustrates is, &c."

*Ritchie, C. J.*—They will not "vary or depart from the reasons expressed for their judgment in that case." If that is not as perfect an affirmation of the correctness of that decision as can be given by judicial language, I do not understand what it is.

*Mr. Blake.*—I do not think any person could, nor could any person after reading it, fail to come to the conclusion that the court, instead of intending to say "we adopt the whole of that case, because you misunderstood it," thereby admitting that there are expressions of doubtful meaning in it, resolved it into a fresh judgment, and say "this fresh judgment which we now give is an exposition, not of the Hodge case, but of that matter."

*Ritchie, C. J.*—If they say the conclusion they arrived at is correct, and if they say that all the reasons which they have assigned for arriving at that conclusion they stand by, what part of that case do they leave you to infer is incorrect?

*Mr. Blake.*—This, my Lord: certain of the statements which were made outside of the immediate subject matter which could not be taken as reasons for the conclusion because they did not fit the matter. "Those we abstract from it, and we leave the subject matter and the reasons given for that subject matter, and we reiterate them here, and we say that was the subject matter before us, and those are the true reasons, so far as that subject matter is concerned, and on that we stand."

*Ritchie, C. J.*—Have not the Privy Council re-affirmed, in the Hodge case, the conclusion they arrived at as a correct principle of law, that prohibition belongs to the Dominion Government?

*Mr. Blake.*—Yes, my Lord.

*Henry, J.*—Under the light which was brought before them?

*Mr. Blake.*—Certainly, my Lord, and I am not quarrelling for a moment with that at all. As your Lordship is aware, I did not touch upon the subject of prohibition, or did Mr. Irving, in opening the case, because we did not desire to introduce an element that did not seem to be material to your Lordships' determination of this case.

*Ritchie, C. J.*—It struck me the way it was put in the course of the argument meets the case. Suppose Parliament chose to enact this law—"Be it enacted, from the passage of this Act, that there shall be no trade or commerce in the Dominion in intoxicating liquors"—supposing they chose to pass that, &c., could that not be said to be an interference with trade and commerce?

*Henry, J.*—Decidedly it might.

*Ritchie, C. J.*—Then it is within section 91.

*Henry, J.*—Unless there is something else in section 92 that keeps it out of it.

*Ritchie, C. J.*—Because, if that was law, why, of course, we could then deal with it.

*Mr. Blake.*—I was not at all endeavoring to get from the Russell case —

*Ritchie, C. J.*—What do you say would be the effect of that? Suppose the Local Legislature should pass an Act, declaring, in so many words, that after the passing of the Act there should be no traffic in intoxicating or fermented liquors, would not that be an interference with trade and commerce?

*Mr. Blake.*—Of course it would. I think that that follows from Russell and the Queen; I quite admit that.

*Ritchie, C. J.*—That follows from the ground that this court put it upon; but I say, independent of Russell and the Queen, or any other case, supposing the Local Legislature chose to pass an Act in those words, could it be sustained?

*Mr. Blake.*—I think the Dominion could.

*Ritchie, C. J.*—Then, if the Dominion could, the Local could not.

*Mr. Blake.*—I am not for a moment arguing against that.

*Ritchie, C. J.*—Therefore, it seems to me the introducing of the element of prohibition does not affect this case. That is the reason why I think it could be sustained. While that belongs to the Dominion I think it may belong to the Dominion subject to the Local Legislatures exercising control over taverns.

*Henry, J.*—I think that could be maintained under the decision of the Privy Council, no matter what might be the decision on the other.

*Mr. Blake.*—That was my next point. I do not think Russell and the Queen affects us here to-day. What I promised was, I did not think Russell and the Queen affects us here to-day. My secondly is, I think, the question of prohibition does not affect us here at all to-day; and what I said, thirdly, in opening the case, was we did not deal with prohibition.

*Gwynne, J.*—I think you admitted that the decision in Russell and the Queen was the foundation for this Act, and that it would have justified this Act if it had stood alone.

*Mr. Blake.*—I thought the later exposition, not of a kindred matter but of the very exact matter, as it was in Hodge and the Queen, was quite sufficient to rule this case. The first ground on which that position is taken by Mr. Bethune is because of the recital in the Act, and he says it is for regulating traffic and for uniformity, and for peace and good order. Now, the answer to that is, the recital can in no way govern; that the scope of the Act, as given, shows what really was intended, and that for the reasons before assigned, all the true subject of the matter of the Act is brought within the local. Now, I do not deal with that, because I think that the more my learned friend went into the sections of the Act the more was the court driven to the conclusion that that Act of the Dominion was virtually in substitution for the License Act of Ontario; that it developed all of the little matters necessary to the License Act, and that therefore it is not necessary to detain your Lordships with the consideration as to whether the subject matter of the Act was not one that is called the police regulation for the control of these, for the licensing of them, and that as to whether that can be brought into trade and commerce being a different matter



that this Act of the Dominion is virtually a substitution for the local Act, following, as I said at the opening, almost slavishly, the Act of the Province. Therefore, I just come for a moment to deal with the question of trade and traffic, and what I submit to your Lordships, and that was my answer to the proposition of his Lordship the Chief Justice, is this, that the power of the Dominion, I submit to your Lordships, is to control the trade as it touches the Dominion. There is no doubt whatever that my learned friend can find in the books various significations given to trade and commerce, some large and some small, but because you find the words "trade and commerce" sometimes confined to the small matters and sometimes to the large, it is just because it can be attached to the larger matters at times that it is necessary to look at the position of the words "trade and commerce" in the Act, and finding that it is there used, along with matters of larger moment, that therefore the larger signification is to be given to the term "trade and commerce," and not the smaller. That is laid down by the Privy Council, and where you find it in matters of trade and commerce, the general matters of public import, it would be, to my mind, a *reductio ad absurdum* to say that, therefore, you are to carry it down to the small, little huckstering affairs of every little village, and into the smallest details of business, entirely localized, and which had never been thought of until it was argued here in the last two or three days.

Henry, J.—What is the meaning of legislating regulations for trade and commerce?

Mr. Blake.—What I was going to present to your Lordships on that is this: These were various powers that were given, some to the Dominion and some to the Provinces, and because power was given as to trade and commerce, I would submit that it must be used *secundum potestatem*, because of the power, and because there is a power given to the Dominion as to trade and commerce; it does not allow them to take up any matter of trade and commerce and deal with it in any manner it pleases, but it must be a trade and commerce matter that is dealt with, as we have that expression, and not used exactly here, but it must be done *secundum potestatem*. You have got the power to do so-and-so, and if you have the power pointing in one way or dealing in another, you are circumscribed in that, and because you have the power to do what may be covered by power "A" you have not got the power to do what is covered by power "B," and so it does not carry all the length contended for by my learned friends, but only so far as is necessary to deal with trade and commerce, unless you are dealing with it *secundum potestatem*, or in a trade and commerce way. Now, taking the expression which fell from his Lordship Justice Strong, what we have here is rather a system of trade, that that was the duty of the Dominion, and I gave an instance that appeared in one of the newspapers the day before yesterday, that the Dominion was entering into a discussion as to commercial relations with Spain, relations with the Mediterranean, whereby our fish, lumber and other articles of commerce are to be sent there, and we are to be enabled to get back the products of the Mediterranean—those larger matters which are known as the trade and commerce of a nation or people—that these were the matters covered by trade and commerce; and I submit, in answer to what his Lordship the Chief Justice asked, with reference to the question as to what is the true construction of the position of the Dominion and the Provinces, that the Dominion has the right to enter into all those regulations of trade whereby the material may be brought from the foreign market and imported into the ports of the Dominion, and when they are in there and the duty paid on them it becomes a matter of provincial regulation as to the dealing with them.

Ritchie, C. J.—Then you say there is no such thing as internal trade, independent of police regulations?

Mr. Blake.—Yes, my Lord, in so far as there is given the internal trade; and I submit that these very exceptions cut out of the power of the Provinces were for the purpose of regulating, so far as the Provinces were willing to give up the right to regulate that internal trade, and your Lordships will find in the 29 clauses of the 91st section, the various matter on which the Provinces were willing to surrender, and to that extent the internal trade passes into the Dominion. Some instances were

given to your Lordships—weights and measures were given, and all these, I think, are strong illustrations of my position that the Provinces did not intend to give up anything more than was absolutely necessary to allow the Dominion to have the controlling power, so far as these larger matters and agreements and arrangements were concerned, and that when they came to these comparatively smaller matters, which might be brought within the power of the Provinces, they say no, “beacons, buoys, lighthouses, navigation and shipping, sea coast and inland fisheries, ferries between a Province and any British or foreign country, or between two Provinces, currency and coinage, patents of invention and discovery, copy rights”—matters of that kind the Act has given the Dominion of Canada, and matters that were cut out of powers that otherwise would have gone to the Provinces. I quite admit that there may be matters between the Provinces as to the subsidising of vessels to go down to the Lower Provinces carrying wheat, and taking coal back again as return cargoes, but they must be matters of that class, and the moment the coal lands on the wharf it is not part of the duty of the Dominion, having accomplished and applied itself to the larger matters of trade and commerce, to deal with the question whether the coal is to be taken in sacks, or in carts, whether it is to be sold in smaller quantities than a ton or not. The moment the trade regulation is accomplished by having the product carried into the particular place where the agreement has been made, the moment it comes and is landed, and what may be the demand, as to dues, and so on, of the Dominion, are paid, then it becomes a matter of provincial dealing, and the Provinces alone can pass those rules and regulations regarding it. There the duty and the power of the Dominion end. Illustrations were given as to what would be covered by the term “trade,” and I was going over the matters, and it seemed to me that if your Lordships were to adopt my learned friend’s argument as to this liquor matter, and his argument that what applies to liquor applies to everything else, there virtually would not be a single thing that the Province had the power to do. Our village fairs are a great matter for encouraging trade and commerce, and for the promotion of it; that, of course, must be subject to the Dominion. Our roads, the very highways for our commerce, must be subject to the Dominion. Our telephone system, the orders sent by our merchants must, of course, all be subject to the Dominion; our water works also, because water is as necessary as whiskey, and if it is a good thing that wine and whiskey and beer must be regulated for the traffic in them, our water must be regulated also, and it comes back, as his Lordship the Chief Justice says, to a *reductio ad absurdum*.

*Ritchie, C. J.*—We pay for our water here.

*Mr. Blake.*—Yes; and we may have a Dominion tax on it shortly, if that view of my learned friend is sustained.

*Ritchie, C. J.*—I do not know whether water could be considered an article of commerce.

*Mr. Blake.*—If you go back to this statute of Anne, you may as well go to Arabia, where water is an article of commerce.

*Henry, J.*—There is trade in water over in Hull; it is an article of commerce there.

*Mr. Blake.*—If your Lordship is to go back as to centuries, your Lordship may go back as far as you like as to countries, and you do find that water is an article of commerce in some countries.

*Ritchie, C. J.*—Until recently, water was sold by the barrel in this very city. I am informed that before the water works were established here the whole supply was purchased or sold in barrels and hogsheads, and I suppose you might call that a trade.

*Mr. Blake.*—It fact, everything may be covered under that heading. I never met anyone whose definition of trade and commerce was exactly the same as my learned friend’s, until travelling one time in Switzerland, from Chamouni to Martini. I heard it from the driver of a conveyance, with a very slow horse indeed. I asked him why he was not a guide, and he said it was a very expensive thing indeed to be educated a guide; and he said his father was not able to educate him, and there-



ore he said he was obliged to go to commerce, which was driving a very questionable horse two miles and a half, from Chamouni to Martini.

*Gwynne, J.*—He had not been educated to know of the existence of the word "trade."

*Mr. Blake.*—No, my Lord; it was only commerce.

*Mr. Bethune.*—He was strictly applying it in the French sense, one of the senses.

*Mr. Blake.*—Non-sense. Then your Lordships have noted, of course, because here was a discussion on that point, that this is not an Act for revenue purposes nor for the Dominion; and so far as it is concerned, one part is for the police power, and therefore they have no power to collect taxes for that; the other is collecting revenue for the Provinces, as to which they have no power, yet that is what the Dominion is seeking to do by this Act.

It was said that this mode of dealing would cause a great deal of difficulty, and that it would be very hard indeed to say where the Dominion power ceased and where the power of the Provinces began. Now, that was answered by his Lordship the Chief Justice and by his Lordship Justice Strong, the one asking my learned friend to give an instance where that would arise; in other words, an instance in which it would be necessary for the Dominion to make some regulation or restriction for the conduct of the business, and my learned friend was unable to give the second answer, which was made by his Lordship Justice Strong, was that these matters seemed to be difficult when they were presented in the abstract form, but when we have, as here to-day, a concrete case presented to the court, the difficulty seems to be removed; that is, that it would be very difficult to give a very distinct definition in words which could be used on all occasions, but when each case arose, just as we have a case here to-day, no difficulty would be found in saying what is trade and commerce applied to this and what are regulations when applied to that. And then my learned friend was unable to give any instance in which there would be any difficulty, on his Lordship the Chief Justice asking him to assign such.

Then we state that as to this matter, all, of course, is police regulation, the whole Act, and that the trade and commerce it was not within; then, that as a matter of trade and commerce, the Dominion could not override the Provinces or the Dominion could override the Provinces. The answer was, that it was not within trade and commerce first, and that within the areas—because this was the language in the last case—and as to particular matters, that the Province was supreme, and that there was no authority for such a proposition to be found. And then your Lordships will bear in mind that the word "exclusive," used in the Act, negatives entirely any such idea as the overlapping, so that we have no idea, from the Act itself, of any such position as that which is taken, and no authority for saying that there is such a position under the Act—it is all exclusive.

Then it was asked, as to the question of inspection: of course the instance is well known, of the inspection of Swiss watches, for the purpose of a large matter of trade and commerce, where the matter was so large that it was a world-wide trade, whereby the reputation of a leading industry of the country was affected; and so it is here. There may be inspection for matters passing out of the country, but that in no way interferes with the Province having the regulation of the matter, so long as it is within the particular Province.

My learned friend, the Attorney-General from British Columbia, especially asked me to present, when they were dealing with the question of uniformity and the question of the knowledge in the locality, the Province that he represents, stating that there were peculiar matters there which would make these general laws very inapplicable to such a Province, although they might answer reasonably well the Provinces which were nearer Ottawa, where they could obtain a class of legislation which would, perhaps, answer them better; but I could hardly give your Lordships a better illustration of how entirely unreasonable it is that there should be legislation at a distance from the locality, rather than at the provincial capital, than what has taken place at our own city of Toronto during the last two or three years. Persons

representing the Province refused to give any license to the ferry that runs between Toronto and the island, because of the continued trouble which would arise, and the island could not be used for the purpose it was intended for—for the advantage of our citizens who might desire to go there for a change of air.

*Gwynne, J.*—It is part of the city, is it not?

*Mr. Blake.*—Yes, my Lord; they would not allow licenses on the island for the same reason; and they would not, either, allow any license to be given upon the fair grounds. Whether that was right or wrong, reasonable or unreasonable, that was the law, and they passed an Act stating that that should be so, and that no license should be given; but the Dominion have given a license to the fair in Toronto, and liquor has there been sold, and a license has been given to the ferry and upon the island; so that, although the idea of the Province and of the persons there was that it would be better that we should be without it, the Dominion authority has come in and subverted the decision arrived at after many years of discussion and contemplation—subverted all that has been sought to be done by the Province.

*Ritchie, C. J.*—It takes out of the corporation of the city of St. John all the regulating of those licenses and places it in the hands of three commissioners that are named there. That is the effect of it. If that does not interfere with the constitution, it is difficult to understand what does. As I have mentioned, the city has exercised that power since 1803—that is the date of the charter, I believe.

*Mr. Blake.*—Then my learned friend refers to the Citizen's and Parsons, Fredericton and the Queen, Valin and Langlois, Cushing and Dupuis, and Dobie and the Temporalities Board. No doubt, all these cases contain sentences a little one way and a little the other, but I submit Hodge and the Queen goes upon the exact subject matter; the ruling of the Privy Council on that, therefore, is to be taken as the authority, rather than the scattered words and phrases in regard to a matter not identical with that which is at present before your Lordships.

Then my learned friend questioned whether all the portions of the Act were valid, but I submit upon that point, that the Act may be entirely ranged within the three heads, the granting of licenses and the collection of revenue therefrom; secondly, the regulation of the business, and thirdly, the machinery for carrying this out and for preventing any breach of the law. Now it is under one or other of these three matters that the whole of the Act can be placed. The granting of license and the collecting of revenue, I have assigned the reasons why I think that must fall to the ground. Then, the regulation of the business, I have assigned the reasons why I think that should fall to the ground. Then, thirdly, the machinery for carrying that into execution and for preventing breaches of the law, the one and two falling, of course three also falls to the ground; and I submit to your Lordships that taking the Act and reading it, that fairly the intent of the Act is given in these few words, and that if our argument on the part of the Provinces is correct, that the whole of this legislation must be brought within the matters one or two, and that the moment they are brought within either, or perhaps both of these, then our argument being correct, they fall to the ground, and all the other sections fall with them.

*Gwynne, J.*—There is a fourth, whether the Act may be valid as to the whole sale trade.

*Mr. Blake.*—What I am submitting to your Lordships is this, that the moment you are selling, whether it is a gallon or whether it is a hundred gallons, that it is utterly immaterial, each of these requiring police or municipal regulations.

*Gwynne, J.*—Issuing licenses to wholesale dealers?

*Mr. Blake.*—I gave your Lordships the passages on that. That is the reason I ask your consideration to that; it is not merely the granting of wholesale licenses but it is also the municipal regulations as to those wholesale licenses, and if this was merely an Act in which the license was granted, there might be something in that but it goes on, and therefore the whole of this is vicious and faulty.

*Strong, J.*—Followed up in such a way as the wholesale and as to the retail as to make it a matter of police?



*Mr. Blake.*—Yes, my Lord. Here it is: Your Lordships will see in one of the sub-sections of section 7—"a wholesale license shall authorize the licensee to sell and dispose of liquors in his warehouse, store, shop, or place defined in the license, in quantities of not less than two gallons, &c."

*Gwynne, J.*—I was alluding to the clause which says that no person shall deal by wholesale without a license.

*Ritchie, C. J.*—You say that that must be read in connection with the other clauses of the Act?

*Mr. Blake.*—Certainly, my Lord. Your Lordship will see what a senseless thing it is for the Dominion to say "we will impose a tax of \$200 on the wholesale dealer, and that tax will go to the Provinces."

*Strong, J.*—If that is to be considered purely as a trade regulation, taking money out of the pockets of the wholesale dealers, just to put the money into the coffers of the Province, it is a peculiar trade regulation.

*Ritchie, C. J.*—The balance of this money goes into the treasury, does it not?

*Mr. Bethune.*—The balance goes to the municipality—any balance that may be left after the expense of collection.

*Mr. Blake.*—It is made the duty, on the 30th of a particular month, to hand over the balance to the municipality. That is in section 56—"all sums received on application for and on the issue of licenses, or received by the inspector for fines and penalties, shall form the license fund of the district. The license fund shall be applied under regulations of the Governor in Council, for the payment of the salary and expenses of the commissioners and inspectors, and for the expenses of the office of the Board, or otherwise incurred in carrying the provisions of the law into effect; and the residue on the 30th day of June in each year, and at such other times as may be prescribed by the regulations of the Governor in Council, shall be paid over to the treasurer of the city, town, village, parish or township municipality in which the licensed premises are respectively situate, for the public uses of the municipality; and in the Province of Prince Edward Island, except in the cities and towns thereof, to the treasurer of that Province; and in unorganized districts the residue shall be paid to the Receiver-General."

That is what my learned friends call an Act for uniformity, and we find that this is to be paid in as variable a way as it could be. However, your Lordships see there the ruling subject, payment of duty. There is also section 76, which provides that no person having a license to sell by wholesale shall allow any liquor sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or any building connected with it, &c., and section 77, which provides punishment for allowing liquor to be unlawfully consumed on the premises of any such licensed person.

*Ritchie, C. J.*—It seems to be the object of that section that wholesale dealers shall not, under the pretence of being wholesale dealers, keep dram shops.

*Mr. Blake.*—Yes, my Lord. Then you will see at section 66, "as respects all places where intoxicating liquors are or may be sold by wholesale or retail, no sale or other disposal of liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever (save as hereinafter provided), from or after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter, nor from or after the hour of eleven o'clock at night until six o'clock the following morning, on all the other nights of the week" with the exceptions which are specified, "provided always that in hotels liquor may be sold on Sundays to the guests, &c." So there we get another restriction. Then there is section 11, which provides that "every application for a license to sell liquors, by wholesale or retail, shall be by petition of the applicant to the board of the district in which the license is to have effect, praying for the same." Then section 62 provides that all licenses shall be constantly and conspicuously exposed in the warehouses and shops, in the bar-rooms of hotels, &c., and I think there is one more, section 144, which provides that a wholesale license under this Act shall be necessary in order to authorize or make lawful any sale of liquor in the quantities allowed under

the provision of the Canada Temperance Act. So we have got simply the fact that a wholesale man may take a license, but all that is followed by the regulations and rules and matters of guidance, just as it is in matters of shop and tavern license. I did not, in the opening, say anything on this, and I therefore give your Lordships the Act as it stood in regard to this wholesale matter, at all events from 1840 onwards. The powers seem to have been interfered with.

In the first place, we say it is not for the Dominion to regulate in Ontario what constitutes wholesale and what retail dealing. My learned friend says that in one place a pint is considered to be a wholesale dealing; in another twenty gallons. What we submit, on the part of the Provinces, is that the Dominion has no right to regulate the question as to what shall be the dividing line between the wholesale and retail dealing. The Dominion have undertaken to do that here. As they stood, in 1853, under 16 Vic., chap. 18<sup>a</sup>, all liquor license powers were vested in the municipalities, for their use, but it was limited to retail, and retail was defined to be under five gallons, or one dozen bottles; that is, as it then stood. They defined it and said we take within our grasp the retail, and the retail is covered by a dozen bottles. And this restriction was adopted in our municipal Acts. The result is, therefore, as far as Ontario is concerned, the retail extended to five gallons up to Confederation. All that will be interfered with by this legislation. The Dominion License Act, therefore, which gives us two gallons, or one dozen bottles, as the limit, is encroaching on our powers. Then 33 Vic., chap. 28, of 1869, that the Ontario Legislature legislated and then again 39 Vic., chap. 26, at section 14.

Now as to vessels, a word or two will not be out of place; the licenses on vessels go under us to the Province, and not to the municipalities. Therefore, the Dominion Act gives a fund to the municipality which the law does not permit, we say, simply for a matter of revenue. Therefore, your Lordships see the difference. As a matter of revenue we take the tax on the vessels, and that for the Province. As it stands now it goes for the municipality, and that virtually takes it out of the provincial treasury.

*Mr. Bethune.*—The Province has still a right to impose any duty. This leaves the provincial powers just where they were.

*Mr. Blake.*—We have nothing to do with that. It is no satisfaction to us to say that the Dominion takes \$200, and gives that to the municipality and leaves us to charge \$200 more, because the man may say: "I will not pay it; I cannot afford to pay \$400; I would rather tie up my vessel." The provincial law as it stands gives to us a right to get \$200, and this law interferes with that right by saying it shall be collected by Dominion officers and handed over to the municipality, and that is taken by the Dominion and goes to the municipality, and *a fortiori* it says you can charge another \$200, and try to get it from him. Then, I have given your Lordship the statute in regard to that, 39 Vic., chap. 2<sup>a</sup>, section 26, or the Revised Statutes of Ontario, Vol. 2, section 36, vessel licenses to be paid over to the Provinces. Then there is \$15 in addition to this.

*Ritchie, C. J.*—The Dominion takes \$15 for expenses, and the balance they give to the municipalities. Does not this Act provide that where there are enactments of that kind the party pays the amount before he can get his license from the Dominion?

*Gwynne, J.*—Supposing the Dominion undertook to regulate without any license fee whatever, and left the license fee to be collected by the Local Legislature, your objection would be the same?

*Mr. Blake.*—Yes, my Lord; I say they have no right to collect.

*Gwynne, J.*—I understand you to say that they impose a large fee and would thus do away altogether with the right of the Province to collect a revenue?

*Mr. Blake.*—It makes no difference to us; we say, whether it be vessel, tavern or shop, we have the right to derive a revenue from this source. My learned friend then began to argue, after this matter of the vessels, also this wholesale license, and my answer to that is, does your Lordship think that it is reasonable to say that it is for the Dominion to designate, in each Province, what is to be a retail business and



what is to be the wholesale business? And I submit that it is not reasonable to introduce here this question of wholesale or retail, and that it would be a very unreasonable thing if the court should allow itself to be carried away by any such idea. It is not a matter of wholesale or retail; it is a matter whether it is trade and commerce or police regulation, and it is immaterial whether that article is disposed of in a pint or ten gallons, it is a question of regulation within the area, within the Provinces, and as to which these places had the right, prior to Confederation, to deal with the matter. That indeed would be a most arbitrary thing to say, that we are to diminish your retail business, it may be to half a pint, because if it is to a pint why not to half a pint, why not to a glass? And having thus defined, to call everything else a wholesale dealing, and as to everything else to say: "We take that within the purview of the Dominion." And therefore I submit that if that were admitted, not only would that apply to liquor, but it would also apply to sugar and to every other matter, and lead to immense difficulty. We must have some better means of discriminating, and is not the better rule the regulations we have to day in the locality, that the mode of disposing or dealing with these matters in the Provinces, and anything of that kind is with the locality and not in the Dominion? There we get a rule which is susceptible of comprehension, instead of the arbitrary, and to my mind, the absurd one of its being a smaller or a large quantity.

*Gwynne, J.*—Do you say that they can regulate the wholesale trade?

*Mr. Blake.*—I suppose they could harass the wholesale dealer, but in this present Act, which is not to collect revenue for the Dominion, but simply for the purpose of controlling, I submit the thing cannot be done. Then my learned friend referred to these questions of law: I submit that so far as the criminal aspect of the case is concerned, that that is a matter which, under the exceptions in section 92 is given clearly to the Provinces, that is sub-section 15, to which I have referred your Lordships. Therefore, all these clauses that have to do with that, if they do not fall to the ground with the other portions of the Act, will fall to the ground because they are matters for Provincial legislation and not matters for Dominion legislation.

*Gwynne, J.*—Then as to the revenue?

*Mr. Blake.*—These words change a great deal, the word police and the meaning assigned to it. My learned friend was arguing on the large meaning of the term. You speak of the morale of the army; you do not mean the morals; and therefore to confine police to what a constable would do on the street would seem to be equally absurd. Then it is said that the Dominion have large police powers which if not defined and given them, might come within the powers given to the Province—ships, harbors and police power, just in the same way, a question might arise whether the Province would not have these, and therefore they are withdrawn.

So I submit to your Lordships, for these reasons that the Act is *ultra vires*, and that these various Provinces have presented to your Lordships the reasons for coming to that conclusion. Your Lordships of course are aware that as it stands at present, there is the double legislation, and therefore it is a matter—not presuming for a moment to more than make a suggestion to the court—that it is of very great moment that at as early a period as possible there should be some conclusion on the question as to whether this Act is valid or invalid. The licenses have been distributed from both quarters in many localities, and as your Lordships are aware there has been in two of the Provinces, at all events, a question raised as to whether the Act is in force or not, and therefore, at as early a period as possible, the Provinces, at all events, would ask for a conclusion upon the question whether the Act is valid or invalid. These are the reasons, and the Provinces leave the case in the hands of the court with perfect confidence that, while nothing that is warranted by the Act of Confederation will be derogated from the power of the Dominion, nothing that is not clearly given to the Dominion by the same enactment, will be permitted to interfere with the sacred rights of the Provinces upon which the solemn compact was made which resulted in the Act of Confederation.

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*Gwynne, J.*—If we should unfortunately differ as to the reconcilability of these judgments of the Privy Council, I hope it not out of place to suggest that our judgment ought to be taken to the Privy Council to settle it.

*Mr. Blake.*—I think, my Lord, the Dominion have already made that threat.

*Mr. Bethune.*—That is why I suggested that your Lordships should give your reasons in detail, because it would help the ultimate decision

*Strong, J.*—I do not see why we should be asked to break or depart from our standing rule in any particular

Case closed.



## RETURN

(85k)

To an ORDER of the HOUSE OF COMMONS, dated 12th February, 1885;—  
For a copy of all Correspondence had with the Government, or any member thereof, in relation to any proposed alteration or relaxation of the provisions of the present Prohibitory Liquor Law of the North-West Territories.

By Command.

HECTOR L. LANGEVIN,

Department of the Secretary of State,  
Ottawa, 15th July, 1885.

*Acting Secretary of State.*

DEPARTMENT OF THE INTERIOR, OTTAWA, 6th October, 1884.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter, dated the 19th ultimo, and in reply to enclose you a copy of the reply to your application of the 8th August last, which was addressed to Edmonton.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Secretary.*

Mr. D. S. CURRY, Winnipeg, Manitoba.

WINNIPEG, MAN., 19th September, 1884.

SIR,—On the 8th ult. Mr. A. D. Osborne, of Edmonton, and myself, applied to the Department of the Interior for a license to brew and sell ale or beer at Edmonton, in the district of Alberta, in view of the memorial made to the Dominion Government by the North-West Council in that connection.

I should be very glad if you could inform me what action, if any, has been taken by your Department in the matter.

Your very obedient servant,

D. S. CURRY.

A. M. BURGESS, Esq., Deputy Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 19th August, 1884.

GENTLEMEN,—I am directed by the Minister of the Interior to state, in reply to your letter of the 8th inst., in the matter of your application for a license to brew and sell ale or beer at Edmonton, in the district of Alberta, that the North-West Territories Act, as it now stands, does not permit of your application being granted.

I have the honor to be, gentlemen, your obedient servant,

P. B. DOUGLAS, *for the Secretary.*

Messrs. CURRY & OSBORNE, Edmonton, Alberta, N.W.T.

EDMONTON, ALBERTA, 8th August, 1884.

SIR,—We, the undersigned, understanding that the Lieutenant-Governor and Council of the North-West Territory have memorialized the Dominion Government

to grant licenses to brew and sell ale or beer at the principal centres of population in the said Territory, do hereby apply for a license to brew and sell ale or beer at Edmonton, in the district of Alberta, in the event of Government favorably entertaining the petition of the inhabitants made, or about to be made, through their Lieutenant-Governor in Council.

We both are, and have been for many years, residents of Edmonton, having material interests at stake, and consequently particularly interested in the growth and prosperity of that district, which, in our opinion, the judicious sale of good wholesome beer, and the exclusion of ardent spirits, would tend to foster and promote.

We have ample means for the purchase of plant and erection of necessary buildings, &c, and are prepared to furnish any security required for the proper conduct of the business, and the due fulfilment of every condition or stipulation which may be imposed.

Trusting that you will take our application into your favorable consideration

We have the honor to be, Sir, your obedient servants,

D. S. CURRY,  
A. D. OSBORNE.

Firm name: "Curry & Osborne."

Hon. the Minister of the Interior, Ottawa.

(Telegram.)

DEPARTMENT OF THE INTERIOR, OTTAWA, 28th August, 1884.

To Messrs. MILLER & WOODMAN, Prince Albert, N.W.T.

Have written you; North-West Act does not allow.

P. B. DOUGLAS, *for the Secretary.*

(Telegram.)

PRINCE ALBERT, EAST, 27th August, 1884.

The Minister of the Interior.

Can you say whether we will get license? Wire reply.

MILLER & WOODMAN.

LIEUTENANT-GOVERNOR'S OFFICE, REGINA, 13th August, 1884.

SIR,—I have the honor to transmit to you herewith a copy of a resolution passed at an Executive sitting of the Council of the North-West Territories, held at Regina on the 2nd instant, with the request that you will please lay the same, at an early date, before His Excellency the Governor General in Council.

E. DEWDNEY, *Lieutenant-Governor N. W. Territories.*

"That in the opinion of this Council the rapid increase of the population in these Territories has caused a necessity for some modification of the liquor law as at present in force. While acknowledging that the permit system has worked well in the past, and has been attended with good results, it appears to this Council that the system at present in force might be varied, so that beer and light wines should be excepted from the prohibition clauses of the North-West Territories Act; and that the manufacture of beer in the Territories may be permitted under regulations to be made by Your Excellency in Council."

DEPARTMENT OF THE INTERIOR, OTTAWA, 19th August, 1884.

GENTLEMEN,—I am directed by the Minister of the Interior to state, in reply to your letter of the 15th ult., in the matter of your application for a license for



brewery you desire to establish at Prince Albert, that the North-West Territories Act, as it stands at present, does not permit of your application being granted.

I have the honor to be, gentlemen, your obedient servant,

P. B. DOUGLAS, *for the Secretary.*

MESSRS. MILLER & WOODMAN, Prince Albert, N.W.T.

PRINCE ALBERT, N.W.T., 15th July, 1884.

SIR,—We have the honor to acknowledge the receipt of your telegram of the 24th June last, for which we are obliged.

We forwarded a copy of same to His Honor the Lieutenant-Governor, and wrote him asking him to be kind enough to send you his report relative to brewery license, and at same time we reminded him of the promise he made us on his late visit to this town.

We trust you have received his report ere this reaches you, and we now await the final reply to our petition.

Trusting to hear from you soon,

We have the honor to remain, Sir, your obedient servants,

MILLER & WOODMAN.

GEO. ALEX. MILLER,

CHAS. WOODMAN.

Hon. the Minister of the Interior, Ottawa.

LIEUTENANT-GOVERNOR'S OFFICE, REGINA, 21st June, 1884.

SIR,—I have the honor to acknowledge receipt of a letter from your Department dated 28th ultimo, relative to an application of Messrs. Miller & Woodman, of Prince Albert, for a license to manufacture ales and beer in the Territories, said to have been transmitted to me on the 14th September last for my consideration.

In reply I beg to say that the first intimation I had of these papers being forwarded to me was on the receipt of your last communication. Your letter of the 14th September, enclosing the application of Messrs Miller & Woodman, having reached this office while the North-West Council was in session, was inadvertently filed away with other papers before action being taken thereon. With this explanation as to the cause of delay, I have the honor to submit for your consideration the following remarks respecting the subject referred to me.

The prohibitory liquor law which has now been in existence in these Territories for several years, with good results, could not, in my opinion, be repealed, in so far, at least, as it relates to spirits, without prejudice to the country. But while holding this view in regard to spirits, I believe that ales, porters and beer might be manufactured and the country benefited thereby.

Because with a strict prohibitory law smuggling and illicit distilling are bound to be resorted to, and I understand that both are being practised extensively throughout the southern portion of the Territories, in spite of the authorities.

In some places, more particularly in the settlements away from the line of railway, all sorts of toilet, culinary and other essences are used as beverage with most injurious effects. Allow ales, porter and beer to be manufactured and sold under proper restrictions, and I have no doubt the above evils would, in a great measure, be remedied, and both the moral and the health of our people will be better served by the legal use of a wholesome beverage than by the illicit traffic of the worst kinds of liquors. In another point of view it would also benefit the country, as it would create a market for barley, which has always proved to be a sure crop in the Territories. I also find in travelling that there is a general desire for the establishment of breweries, and I take this opportunity of forwarding copy of a resolution passed by Council and bearing upon the subject, which is expressive of the views of the people at large, as all the elected members, with the exception of one, spoke in favor of the principle.

For these reasons I am in favor of the establishment of breweries in all the principal settlements of the Territories, and if His Excellency the Governor in Council sees fit to grant the necessary licenses, I would respectfully recommend that the following licenses be now granted, viz.:—One at Regina and one at Prince Albert.

I have the honor to be, Sir, your obedient servant,

E. DEWDNEY, *Lieutenant-Governor.*

Hon. the Minister of the Interior, Ottawa.

EXTRACT from the Minutes of the Council of the North-West Territories, sitting in Legislative Session.

REGINA, N.W. T., Wednesday, 26th September, 1883.

*Present :*

HIS HONOR THE LIEUTENANT GOVERNOR.

Messrs. Richardson,  
Macleod,  
Breland,  
Irvine,  
Reed,

Messrs. Oliver,  
Jackson,  
White,  
Ross.

*Resolved*,—That His Honor the Lieutenant Governor be requested to ask of the Dominion Government that licenses be issued for the manufacture of ale and beer in the Territories, on recommendation of the Lieutenant-Governor in Council.

Certified a true extract.

A. E. FORGET, *Clerk of Council.*

PRINCE ALBERT, N.W.T., 9th June, 1884.

SIR,—We have the honor to acknowledge your telegram of 21st May, for which we are obliged.

His Honor the Lieutenant-Governor visited this town last week, when we had the pleasure of an interview with him, relative to his opinion as to a brewery being established here. He informed us that he had already sent you his opinion in favor of said being granted, but that upon his return to Regina he would enquire if another letter had been received from you in his absence, if so, that he would again write you on the subject and would recommend our application favorably.

We trust that you will now be in a position to give us a final answer, as it is very essential for us to know as early as possible, so that we may lose no time in starting to build before the winter sets in.

We may mention to you (the same as we informed His Honor) that should we be granted the license we will put up a good brewery, and will run same as is required by the Excise.

I, myself, have had eight years' experience with two of the largest breweries in the old country, also some experience in Manitoba.

We regret having to trouble you so often on this subject, but as we mentioned before, we are anxious to start to build so soon as we receive a favorable reply to our petition.

Trusting to hear from you shortly.

We have the honor to remain, Sir, your obedient servants,

MILLER & WOODMAN,  
*Per* CHAS. WOODMAN,

Hon. the Minister of Interior, Ottawa.

GEORGE ALEX. MILLER,  
CHAS. WOODMAN.



DEPARTMENT OF THE INTERIOR, OTTAWA, 28th May, 1884.

SIR,—I have the honor, by direction of the Minister of the Interior, to enclose herewith copy of a telegram received from Messrs. Miller & Woodman, Prince Albert, N.W.T., and of the reply thereto.

Their telegram has reference to a communication addressed by them on the 20th August last to His Excellency the Governor General and transmitted to you by this Department, for consideration, on the 14th September last.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *for the Secretary.*

His Honor Lieutenant Governor DEWDNEY, Regina, N.W.T.

(Telegram.)

DEPARTMENT OF THE INTERIOR, OTTAWA, 21st May, 1884.

Messrs. MILLER & WOODMAN, Prince Albert (East) N.W.T.

No report from Governor Dewdney. Have written him again.

A. M. BURGESS.

(Telegram.)

PRINCE ALBERT (East), N.W.T., 20th May, 1884.

The Minister of the Interior.

Have you received Dewdney's opinion relative brewery license? Wire are we granted same. Are anxious to build.

MILLER & WOODMAN.

DEPARTMENT OF THE INTERIOR, OTTAWA, 28th January, 1884.

GENTLEMEN,—I am directed by the Minister of the Interior to acknowledge your letter of the 16th December last, and in reply, to inform you that the Minister has not yet been notified of the decision of His Honor the Lieutenant-Governor of the North-West Territories upon your application.

I have the honor to be, Gentlemen, your obedient servant,

JOHN R. HALL, *Secretary.*

Messrs. MILLER & WOODMAN, Prince Albert, N.W.T.

PRINCE ALBERT, N. W. T., 16th December, 1883.

SIR,—Referring to your communication, No. 64991, dated 14th September last, we would be glad to know if His Honor the Lieutenant Governor has given you his opinion relative to our application for a brewery license, and if so, is there any chance of our being granted same?

We have the honor to be, Sir, your obedient servants,

MILLER & WOODMAN.

Hon. the Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 14th September, 1883.

SIR,—I have the honor, by direction of the Minister of the Interior, to send you, enclosed herewith, a communication from Messrs. Miller & Woodman, of Prince Albert, N.W.T., addressed to His Excellency the Governor General, for your consideration.

A certified copy of the same has been placed on record in this Department.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Acting Secretary.*

His Honor Lieutenant-Governor DEWDNEY, Regina, N.W.T.

## DEPARTMENT OF THE INTERIOR, OTTAWA, 14th September, 1883.

GENTLEMEN,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your communication of the 20th August ult., addressed to His Excellency the Governor General, and to inform you that the same has been referred, for his opinion thereon, to His Honor the Lieutenant-Governor of the North-West Territories.

I have the honor to be, gentlemen, your obedient servant,

JOHN R. HALL, *Acting Secretary.*

MESSRS. MILLER & WOODMAN, Prince Albert, N.W.T.

PRINCE ALBERT, N.W.T., 20th August, 1883.

SIR,—I beg most respectfully to ask Your Honor to grant us a license to brew ales, porter and stout, same to be sold in this town and surrounding districts, whole sale by us, in casks and bottles.

We also beg to mention that the majority of the inhabitants are in favor of a brewery being established here, especially the farming class of people, as they are of opinion that it will open up a market for the sale of their barley, and which market we may say, is sadly needed.

Should Your Honor entertain this our application, we will at all times confine ourselves to whatsoever laws and regulations you may deem it necessary to exact and will use our utmost exertions to conduct the concern in a respectable and orderly way.

Awaiting Your Honor's decision,

We beg to remain your obedient servants,

MILLER & WOODMAN.

GEO. ALEX. MILLER,  
CHARLES WOODMAN.

His Excellency the Marquis of Lorne,  
Governor General of Canada, Ottawa.

HOUSE OF COMMONS, OTTAWA, 23rd February, 1884.

SIR,—I have the honor to enclose a petition of Henry Le Jeune and Jas. Brown. As on the occasion of our interview relative to the Regina memorial, I spoke on the subject of this petition from a general standpoint, it is not necessary that I should ask for the favor of a second interview. I trust you will place it before your colleagues. I may say the document is in the form in which it arrived here.

I have the honor to be, Sir, your obedient servant,

NICHOLAS FLOOD DAVIN.

Hon. D. L. MACPHERSON, Minister of the Interior, Ottawa.

*To His Excellency the Most Honorable the Marquis of Lansdowne, Governor General of Canada, in Council:—*

The petition of Henry Le Jeune and James Brown, of the town of Regina, in the North-West Territories of Canada,

HUMBLY SHOWETH:

1. That whereas a petition, very numerously signed by the inhabitants of Regina and its vicinity, was presented to the North-West Council, at its late session, praying that honorable body to take such action as might be necessary to secure to your petitioners the right to manufacture and sell ales and porters in Regina aforesaid.

2. And whereas by a resolution passed by the said North-West Council, it was resolved that steps be taken in the premises, with the object of procuring to such persons as the Lieutenant-Governor of said Territories might approve of, the right to manufacture and sell ales and porters as aforesaid.



3. And whereas ales and porters are admitted to be wholesome beverages, and it is generally agreed they would be a boon to the people of the district aforesaid, and would have the effect of preventing, to a certain extent, the illicit importation and use of whiskey and other spirituous liquors, and their manufacture here would, moreover, bring into existence two or three industries which would be of great benefit to the country.

4. And whereas by such means a market would be opened to the farmer for the sale of his barley, which is, at the present time, his best yielding crop, but for which there is little or no demand.

5. And whereas this industry would give employment to a considerable number of men, and would in various ways be of the greatest importance to the community.

6. And whereas the objections generally urged against the use of spirituous liquors do not apply to ales and porters.

7. And whereas your petitioners are prepared to establish a brewery in Regina aforesaid, for the manufacture of said ales and porters.

Now, therefore, your petitioners pray that Your Excellency in Council will be pleased to pass an order granting to said petitioners a license for the manufacture and sale of ales and porters as aforesaid.

And your petitioners will ever humbly pray, &c., &c.,

HENRY LE JEUNE,  
JAMES BROWN.

REGINA, N.W.T., 7th February, 1884.

REGINA, N.W.T., 13th March, 1884.

SIR,—I have the honor to forward herewith the petition of 22 inhabitants of Fort Qu'Appelle, asking for a change in the law, North-West Territories Act, with regard to the sale of liquors.

Your obedient servant,

JOHN SECORD.

Hon. the Secretary of State, Ottawa.

*To His Excellency the Right Honorable the Marquis of Lansdowne, Governor General in Council:*

The petition of the undersigned inhabitants of the North-West Territories,—

HUMBLY SHOWETH:

1. That owing to the rapid settlement of these Territories in the past two years, the great likelihood of such settlement continuing, and the completion of the Canadian Pacific Railway through the same, the time has arrived, in the opinion of your petitioners, for some relaxation of the present very severe and strict regulations regarding the sale and importation of liquor into the said Territories.

2. Your petitioners state that whereas, at the time of the passing of the Act restricting the sale and importation of liquor into these Territories, there were not any drug stores specially engaged in compounding and selling pharmaceutical preparations, and but few physicians, there are now several located at Regina, Moose Jaw, Troy, Medicine Hat, Calgary, Prince Albert, Battleford, Edmonton, and other places in the Territories.

3. Those of your petitioners who are physicians, druggists and chemists, state that alcohol is a necessity in the drug business for many purposes, and that wines and spirituous liquors are largely required for medicinal purposes, but owing to the great difficulties in obtaining permits, the limited quantity allowed to be brought in at one time by such permits, and the fee of fifty cents per gallon exacted for obtaining the same, druggists in the Territories are placed in a very unfair competition with druggists in Manitoba and other Provinces, as these several restrictions and charges greatly increase the cost of compounds, in the preparation of which alcohol, as a dissolvent, so largely enters, and in consequence the price to the consumer is greatly

enhanced, while many instances could be given in which wine and spirituous liquors have been prescribed by physicians, but owing to the great outlay and expense in obtaining the same, patients have been compelled to do without such liquors at great risk to their lives.

4. Those of your petitioners who are not physicians, chemists and druggists believe that the above statements are correct, and that the cost is materially increased in consequence.

5. Your petitioners further state that alcohol is largely required, in small quantities at a time, for mechanical purposes, and wine for sacramental purposes, but the trouble, expense and delay in importing it in such small quantities is practically prohibitory.

Your petitioners therefore pray:—

1. That such changes may be made in the North-West Territories Act as will permit of wines, alcohol and other spirituous liquors being prescribed and dispensed by physicians and druggists, or persons specially authorized therefor, for strictly medicinal or mechanical purposes, and wine for sacramental purposes, subject to such conditions and restrictions for preventing the abuse of such privilege similar to those provided by "The Liquor License Act, 1883," for selling in municipalities where no license is granted, or as to Your Excellency in Council may seem meet.

And your petitioners, as in duty bound, will ever pray.

John A. H. Browne, Accountant, Fort Qu'Appelle.

Walter Willoughby, Farmer " "

L. W. Mulholland, Forwarder " "

J. A. Fraser & Co., Real Estate " "

Joseph Cadman, Farmer " "

W. Sutherland, Commercial " "

Donald Gunn, Farmer and Contractor " "

R. H. Mackay, Farmer and Contractor " "

W. F. Moore, Merchant " "

George H. Wilson, Farmer " "

Ralph Paget " "

H. W. Smith " "

L. J. Millar " "

L. Couthers " "

A. Crowe " "

G. Crowe " "

J. S. Court, A.F.H., Solicitor " "

Sydney Mowat, Farmer " "

S. H. Perent " "

George Balfour " "

J. E. McEntyre " "

P. McEntyre, Engineer " "

REGINA, N.W.T., 22nd February, 1884.

SIR,—I have the honor herewith to send you another petition similar to those already forwarded by me from Regina, Qu'Appelle, and Moose Jaw. This one is signed by 112 of the most respectable and important people of Prince Albert. I am requested to urge that the petitions be brought to the notice of His Excellency the Governor General at an early date, so as to permit of some relief being granted this Session of Parliament.

I have the honor to be, Sir, your obedient servant,

JOHN SECORD.

Hon. the Secretary of State, Ottawa.



*To His Excellency the Right Honorable the Marquis of Lansdowne, Governor General of Canada, in Council:—*

The petition of the undersigned inhabitants of the North-West Territories,—

HUMBLY SHOWETH:

1. That owing to the rapid settlement of these Territories in the past two years, the great likelihood of such settlement continuing, and the completion of the Canadian Pacific Railway through the same, the time has arrived, in the opinion of your petitioners, for some relaxation in the present very severe and strict regulations regarding the sale and importation of liquor into the said Territories.

2. Your petitioners state that whereas, at the time of the passing of the Act restricting the sale and importation of liquor into these Territories, there were not any drug stores specially engaged in compounding and selling pharmaceutical preparations, and but few physicians, there are now several located at Regina, Moose Jaw, Troy, Medicine Hat, Calgary, Prince Albert, Battleford, Edmonton, and other places in the Territories.

3. Those of your petitioners who are physicians, druggists and chemists, state that alcohol is a necessity in the drug business for many purposes, and that wines and spirituous liquors are largely required for medicinal purposes, but owing to the great difficulties in obtaining permits, and the fee of fifty cents per gallon exacted for obtaining the same, druggists in the Territories are placed in a very unfair competition with the druggists in Manitoba and other Provinces, as these several restrictions and charges greatly increase the cost of the compounds in the preparation of which alcohol, as a dissolvent, so largely enters, and in consequence the price to the consumer is greatly enhanced, while many instances could be given in which wine and spirituous liquors have been prescribed by physicians, but owing to the great delay and expense in obtaining the same, patients have been compelled to do without such liquors at a great risk to their lives.

4. Those of your petitioners who are not physicians, chemists and druggists, believe that the above statements are correct, and that the cost is materially increased in consequence.

5. Your petitioners further state that alcohol is largely required, in small quantities at a time, for mechanical purposes, and wine for sacramental purposes, but the trouble, expense and delay in importing it in such small quantities is practically prohibitory.

Your petitioners therefore pray:—

1. That such changes may be made in the North-West Territories Act as will permit of wines, alcohol and other spirituous liquors being prescribed and dispensed by physicians and druggists, or persons specially authorized therefor, for strictly medicinal or mechanical purposes, and wine for sacramental purposes, subject to such conditions and restrictions for preventing the abuse of such privilege, similar to those provided by "The Liquor License Act 1883," for selling in municipalities where no license is granted, or as to Your Excellency in Council may seem meet.

And your petitioners, as in duty bound, will ever pray.

Hugh N. Bain, Physician,	Prince Albert.
A. E. Ponter	"
John B. Dunlop	"
Caleb Parker, Clergyman	"
W. MacWilliam, L.L.B., Clergyman	"
J. A. Mackay, Archdeacon of Saskatchewan,	Prince Albert.
James Flett, B.D., Clergyman,	Prince Albert.
Thomas Swanston, Gentleman	"
J. F. Kennedy, Merchant	"
Father A. André, O.M.I.	"
Albert Hodgson, Accountant	"
J. Lawles	"

William McBeath, Farmer	"
Alexander Sutherland, Farmer	"
Adam McBeath	"
W. H. Beckett, Trapper	"
Edward Stanton, Farmer	"
S. J. Donaldson, Gentleman	"
F. Campbell, Merchant	"
J. D. Hanapin, Clerk	"
George J. Berthgraves, Jeweller, Prince Albert.	"
D. H. Hewitt, Clerk	"
J. Mackenzie, Merchant	"
W. J. Barker, Contractor	"
S. E. Elliott, Barrister	"
I. A. Marshall	"
W. Napier	"
W. E. Marshall, Contractor	"
Richard Mair, Gentleman	"
G. A. Macleod, Farmer	"
L. Clark, Chief Factor, H. B. Co.	"
D. H. Macdowell, Timber Merchant	"
W. B. Gunn, M. A., Barrister	"
R. B. May, Jeweller	"
Fitz. Cochrane, Barrister-at-law	"
John W. Astley, Civil Engineer	"
C. F. Young, J. P.	"
Murdoch McKay	"
Rich. R. McIver	"
Joseph McKay	"
W. J. Carter	"
G. Coassir	"
T. Lumsden	"
M. Sheer	"
Doug. Peterson	"
R. H. Bratwolud	"
Thos. McKay, J. P.	"
Ph. Arnot, Stock Raiser	St. Antoine.
Joseph B. Parker, H. B. Co. Clerk, Prince Albert.	"
Charles Greene	"
M. P. Butchart	"
John H. Gordon	"
W. S. Dunlop	"
Wm. Craig	"
H. L. Moore, J. P., Lumber Merchant	"
A. Stackhouse, Dentist	"
A. C. Davison	"
H. G. Sutherland, Hudson Bay Co.	"
R. J. Hart	"
R. Deacon	"
Norman A. McKenzie	"
J. O. Davis	"
M. MacIise, Barrister	"
John Flett, Carpenter	"
A. Benson, Accountant	"
H. Sproat, Registrar	"
Thos. Taylor, Farmer	"
A. H. Clarke, Chemist	"
A. W. R. Markley, General Agent	"



Markley & Co., Merchants	"
Gilbert Carter, Merchant	"
Spink & Maveity, Publishers	"
W. R. Fish, Merchant	"
J. A. Davis & Co., Merchants	"
Shannon & McLeod	"
F. W. Shea, Carpenter	"
Harry E. Hurd, Farmer	"
Robert Thomson, Painter	"
S. Johnson, Merchant	"
George V. Atkinson	"
G. Wilson, Carpenter	"
James Sinclare, Merchant Tailor	"
James Sanderson	"
John Hurd	"
James Theston	"
Frank <sup>his</sup> + Wallace	"
J. H. B. Ellis, Merchant	"
R. C. Wigmore	"
Alex. Black	"
William T. Haslam,	"
Thos. Purvis, Contractor	"
J. Woolton, Merchant	"
John Stewart,	"
Walters & Baker, Carpenters	"
W. J. Plant,	"
Martin Hoover, Merchant,	"
H. Walters	"
F. C. Baker	"
F. H. Agnew	"
Wm. Tait	"
Thos. Davis	"
Jos. W. Hart	"
C. A. Newitt, Clerk	"
Walter Newitt, Accountant	"
Thos. E. Baker, Contractor	"
Robert Fowls, Farmer, Lindsay.	
David McNab,	St. Andrew's.
Lawrence Lovell, Farmer, Colliston.	
Thos. A. Rannie, Turner, St. Catherine.	
Henry Erasmus	"
T. Gething Jackson	Prince Albert.
T. E. Jackson	"

REGINA, N.W.T., 30th January, 1884.

SIR,—I have the honor to forward herewith a petition to His Excellency the Governor in Council, asking for a change in the liquor law of the North-West Territories.

I have the honor to be, Sir, your obedient servant,

JOHN SECORD.

Hon. the Secretary of State, Ottawa.

*To His Excellency the Right Honorable the Marquis of Lansdowne, Governor General of Canada, in Council :*

The petition of the undersigned inhabitants of the North-West Territories,—

HUMBLY SHOWETH:

1. That owing to the rapid settlement of these Territories in the past two years, the great likelihood of such settlement continuing, and the completion of the Canadian Pacific Railway through the same, the time has arrived, in the opinion of your petitioners, for some relaxation of the present very severe and strict regulations regarding the sale and importation of liquor into the said Territories.

2. Your petitioners state that whereas, at the time of the passing of the Act restricting the sale and importation of liquor into these Territories, there were not any drug stores sepecially engaged in compounding and selling pharmaceutical preparations, and but few physicians, there are now several located at Regina, Moose Jaw, Troy, Medicine Hat, Calgary, Prince Albert, Battleford, Edmonton, and other places in the Territories.

3. Those of your petitioners who are physicians, druggists and chemists, state that alcohol is a necessity in the drug business for many purposes, and that wines and spirituous liquors are largely required for medicinal purposes, but owing to the great difficulty in obtaining permits, the limited quantity allowed to be brought in at one time by such permits, and the fee of fifty cents per gallon exacted for obtaining the same, druggists in the Territories are placed in a very unfair competition with druggists in Manitoba and other Provinces, as these several restrictions and charges greatly increase the cost of the compounds in the preparation of which alcohol, as a dissolvent, so largely enters, and in consequence the price to the consumer is greatly enhanced, while many instances could be given in which wine and spirituous liquors have been prescribed by physicians, but owing to the great delay and expense in obtaining the same, patients have been compelled to do without such liquors, at great risk to their lives.

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And your petitioners, as in duty bound, will ever pray.

James McIntosh, Druggist Troy.

A. Raymond, Carpenter "

J. M. Anderson "

John Millisten, Saddler

Qu'Appelle.

George B. Murphy, Harnessmaker "

John Tring, Blacksmith, Qu'Appelle,

Wm. M. Denny, Farmer, Troy.

Leslie Gordon "

Geo. Russell, Butcher "

H. H. Eaton, Graindrawer "

W. Y. Davis, Butcher "

J. F. Cowan, Machine Agent "



Robert A. Shore, Clerk	Troy.
J. J. Carscadden, C. Engineer	"
E. J. Hutching, Porter	"
D. Dewar, Agent	"
Joseph Gray, Farmer	"
S. R. Edward, Agent,	"
J. Cummings, Tonsorial Artist	"
William M. Burke, Farmer	"
Richard Johnson	"
Grant Thorburn, Blacksmith	"
John Lowe, Farmer	"
Edward Whalen, Farmer	"
Jno. R. Brandon	"
W. H. Dean	"
W. E. Munnis, Clothier	Qu'Appelle
Jas. H. Munnis, Farmer	"
A. S. Empey, Gen. Storekeeper	"
A. R. Empey	"
John Gould	"
A. Blyth, Farmer	"
Ben. D. Vance	"
D. Hambly, Furniture Dealer,	Troy.
S. Hambly, Watchman	"
W. Borrow, Merchant	"
H. McGillivray, Carpenter	"
Edward Sworder	"
J. E. Hodgson, Com. Merchant	"
Chas. E. Carthew, M.B., Physician	"
Gordon Melvor, Farmer	"
Wm. Laidley, Edgely Farm	"
John Hawden	"
George Henderson, Clerk	"
W. H. Crosbie	"
A. Macquarrie, Farmer	"
S. H. Caswell, Clerk	"
S. S. Nelson	"
John M. Gray, Carpenter	"
Andrew Gray, Farmer	"
Thomas Hayes	"
George Thwaite, Clerk	"
G. A. Gibson, Baker	"
R. McFarlane, Painter	"
Thos. Lawson, Clergyman	"
F. J. Doolittle, Farmer	"
W. H. Murray, Painter	"
Joseph Farrell, Farmer	"
P. B. Walsh, Carpenter	"
A. Shore, Commercial Traveller	"
J. P. Beauchamp	"
Goldstein Yuckan & Co., Merchants	"
E. Wevorun, Agent C.P.R.	"
Wm. Russell, Operator C.P.R.	"
George E. Hanwell, Forwarder	"
J. Doolittle, Farmer	"
H. Brunswick Gordon, Clerk	"
Jas. Wilber, Railroader	"

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And your petitioners, as in duty bound, will ever pray.

D. L. Scott, Mayor, Regina.

James Hambly, Merchant, Regina.

J. W. Smith " "

J. A. Kerr " "

John D. Sibbald " "

F. Fraser Tims " "

Wm. J. Lindsay " "

Wm. B. Ross, Barrister " "

D. H. Gillespie, Sale Stable " "

Chas. H. Black, Merchant " "

Henry McElve, Farmer " "

Wm. White, Barrister " "



E. D. McCarthy, Member N.W. Council, Regina.  
 Jas. O'Boyle, Laborer, Regina.  
 S. Collins " "  
 Chas. Howson, Hotel Keeper, Regina.  
 W. S. Marshall, Farmer " "  
 Geo. M. Webb, Barber " "  
 J. F. Mowat, Merchant " "  
 Robt. D. Prest, Hotel " "  
 Fred. G. Davidson, Farmer " "  
 G. K. Smith, Tinner " "  
 David Ross, General Merchant " "  
 Edmond Hope, Farmer, Whitewood.  
 — Martin, Merchant, Regina.  
 Edward Smith, Billiard Saloon, Regina.  
 G. W. Chatam, Merchant Tailor " "  
 E. B. Read, Regina.  
 T. J. Fleethan, Farmer, Regina.  
 W. H. Duncan " "

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And your petitioners, as in duty bound, will ever pray.

Rob. B. Cotton, Physician, Regina, N.W.T.	
John Secord, Barrister	"
Thomas Easy, Farmer	"
John Dawson, Druggist	"
D. U. Bole, Druggist	"
D. Mowat, Merchant	"
M. McInnes, Farmer	"
Alex. Shepphard, Merchant	"
W. R. Roberts	"
John Smith, Butcher	"
Rebeun Collins, Butcher	"
Edward White, Hotel	"
John W. Young, Well Contractor, Regina, N.W.T.	
James Morao, Hotel Keeping	"
John Cunningham, Farmer	"
— McLennan, Farmer	"
G. Weeks, Carpenter	"
J. A. Neily, Farmer	"
Alna, Farmer, Morton.	
Chas. Causton, Farmer, Regina.	
George Hannam, Miller	"
Charles J. McCusken, Blacksmith, Regina.	
U. U. Bole, Farmer	"
A. R. Dickson, Merchant, Balgonie.	
Jas. E. Irvine, Postmaster, Regina.	
H. Besener, Farmer	"
W. M. Parslon, Farmer	"
Peter A. Geer, Farmer, Fort Qu'Appelle.	
Duncan McKinnon, Farmer, Fort Qu'Appelle.	
A. N. Bayne, Regina.	
Wm. H. Law, Contractor, Indian Head.	

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4. Those of your petitioners who are not physicians, chemists and druggists, believe that the above statements are correct, and that the cost is materially increased in consequence.

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Your petitioners therefore pray:—

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And your petitioners, as in duty bound, will ever pray.

Nicholas Flood Davin, Journalist, Regina.

W. H. Gibbs, jun., Land Agent

W. Prescott Sharp, Barrister

F. G. Smith, Banker

Fred. R. Gibson, Deputy Sheriff

R. H. Williams, Carpenter

Chas. Reid

D. C. Reid, Farmer, Qu'Appelle.

Joseph Thompson, Farmer, Regina.

T. H. Albinson, Machinist, Moose Jaw.

D. S. McConnel, Farmer, Regina.

L. R. Shaffner, Teacher

John McConnel, Farmer

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R. G. Goodwin, Machinist	Regina.
W. G. Pettingall, Druggist	"
Henry P. Helm, Dom. Land Office	"
J. H. Smith, Hardware Merchant	"
B. F. Knight, Builder	"
F. F. Dodd, Surgeon	"
Francis W. Lally, Solicitor	"
Nichs. Flood Davin, Journalist	"
W. E. Pettingall, Druggist	"
J. M. Crapper, Painter	"
J. Edwin Scarlett, Merchant	"
Grahame, Nash & Co., Merchants	"
Willard Bros., Saddlers	"
D. Scott, Saddler	"
John Williamson, Auctioneer	"
F. Fraser Fins, Merchant	"
Joseph Wells	"
James Crack, Butcher	"
Charley Winters, Farmer	"
Jas. Brown, Merchant	"
Jno. A. Kerr, Merchant	"
A. M. Spragge, Barrister	"
J. S. Donahue, Merchant	"
J. R. Reilly	"
A. E. McCaul	"
George Grassick	"
Dan McKillap	"



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And your petitioners, as in duty bound, will ever pray.

W. D. Wilson,	Regina.
Timmons & Hoskins, Merchants	"
S. B. Gregg, Dairyman	"
Fred. Whitaker, Farmer	"
Robert Robson, Baker	"
John Bradley, Merchant	"
Joseph Jackson, Hotel Keeper	"
Alex. McKellar, Livery Keeper	"
Robert Roe, Contractor	"
George W. Beardsley, Contractor	"
J. C. Mallory, Stockman	"
W. L. Lurdy, Farmer	"

OTTAWA, 13th April, 1883.

SIR,—I have the honor to submit for your consideration the question whether it would not be advisable that some charge should be allowed to be made for every liquor permit issued by the Lieutenant-Governor, under section 90 of "The North-West Territories Act 1880."

The printing of permit books, and the postage to be paid on every permit and letter mailed, form a considerable item of expenditure. Beside the labor connected with the filling up of the forms, the fying of applications and the keeping of a proper index, together with the correspondence involved, is getting so heavy as to almost require at present an extra clerk for that special service. And I think it but proper that the Government be in some way recouped for all such expenditures.

Should my view be entertained, and if the authority cannot otherwise be given to the Lieutenant-Governor, I would suggest that the clause of the Act authorizing him to issue these permits be so amended as to cover my suggestion. I herewith attach a copy of said clause with the proposed change.

I have the honor to be, Sir, your obedient servant,

E. DEWDNEY, *Lieutenant-Governor N. W. T.*

Right Hon. the Minister of the Interior.

*Prohibition of Intoxicants.*

90. Intoxicating liquors and other intoxicants are prohibited to be manufactured, compounded or made in the said North-West Territories, except by special permission of the Governor in Council, or to be imported or brought into the same from any Province of Canada or elsewhere, or to be sold, exchanged, traded or bartered, or had in possession, except by special permission, in writing, of the Lieutenant-Governor of the said Territories, *upon such condition, including the amount to be paid in each case as may to him seem just.*

(2). Provided that the Lieutenant-Governor of the said Territories shall make an annual return, up to the thirty-first of December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicants in each case, *together with a statement of all fees collected,* to the Minister of the Interior, who shall lay the same before Parliament.

The proposed amendments are those in *italic*.

DEPARTMENT OF THE INTERIOR, OTTAWA, 7th December, 1882.

SIR,—With reference to a petition signed by yourself and other residents of the Brandon district, received by the Secretary of State on the 5th September last, protesting against any change in the present prohibitory liquor law in the newly added portion of Manitoba, I have the honor to inform you, by direction of the Minister of the Interior, that the Act extending the boundaries of the Province, 44 Vic. chap. 14, provides in effect for the prohibition of intoxicating liquors from the Territory added to Manitoba by that Act, and that it cannot be repealed without the consent of the Parliament of Canada and the Legislature of Manitoba.

Please inform your co-petitioners accordingly.

I have the honor to be, Sir, your obedient servant,

A. M. BURGESS, *Secretary.*

Rev. J. H. CAMERON, Brandon, Manitoba.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 18th November 1882.

On a memorandum, dated 4th October, 1882, from the Minister of the Interior stating that with reference to the petitions protesting against any change in the newly added portion of the Province of Manitoba, the Act extending the boundaries



of Manitoba, 44 Vic., chap. 14, in effect provides for the prohibition of intoxicating liquors from the Territory added to Manitoba by that Act. That it cannot be repealed without the consent of the Parliament of Canada and the Legislature of Manitoba.

The Committee advise that the petitioners be informed to that effect, and they submit the same for Your Excellency's approval.

JOHN J. McGEE.

Hon. the Minister of the Interior.

We, the undersigned residents of this district, understanding that efforts are being made by some persons in Brandon to procure from the Dominion Government, a rescinding of the "prohibitory clause" of the enlargement of the Province of Manitoba Act, and to introduce the license system into the newly added Territory,—

Therefore beg most earnestly to protest against any alteration of such clauses, being thoroughly satisfied with the results attained by the law as it now stands, and fully convinced that most evil results must necessarily follow the introduction of the license system into this new country.

We beg to call your attention to the fact that at the time of the extension of the boundaries we were assured both by the Ministers of your Government, in their places at Ottawa, and by the Ministers of our Provincial Government, that the prohibition of the liquor traffic was still to be fully enforced in the added portion of the territory.

We therefore humbly pray that no alteration of the said prohibitory clauses be allowed, or that any license be granted for the sale of intoxicating liquors in the newly added portion of our Province.

And your petitioners will ever humbly pray, &c.

James O. Frazer,  
Rev. J. H. Cameron,  
David Frazer,  
F. J. Frazer,  
D. J. Frazer,  
J. O. Frazer,  
Catherine Fraser,  
D. D. Fraser,  
Jane Fraser,  
Wm. Miller, sen.,  
Mary Miller,  
Chas. S. Clendening,  
Charley Smyth,  
Helen Clendening,  
Mary Kennedy,  
Elizabeth McIntosh,  
John McDonald,  
James Black,  
Jennie Barr,  
J. M. Wedderburn,  
M. Wedderburn,  
Thomas Seens,  
Mrs. Seens,  
Samuel Seens,  
Sarah A. Seens,  
Eros. C. Torrance,  
R. S. Frazer,  
George Ingram,  
James A. Torrance,  
James Kirk,  
Eliza Kirk,  
Wm. H. Hazlewood,

Richard Brimacombe,  
Jeremiah Pangman,  
Timothy Pangman,  
Samuel Hartwell,  
Margaret Brown,  
Eliza Brown,  
Maggie A. Middleton,  
Alex. Black,  
George McIntosh,  
Robert Chisholm,  
John Armstrong,  
Mrs. Wm. Miller,  
Lizzie Miller,  
Margaret Chisholm,  
Annie Black,  
Mrs. A. Black,  
Mary Jane Smith,  
George Clendening,  
James Whimster,  
George Storer,  
Robert Pearson,  
Maney S. Torrance,  
Susie J. Smith,  
Alberta R. Torrence,  
John S. Pearson,  
Anne Hanna,  
Philip Kerr,  
Elizabeth Kerr,  
H. Stewart,  
W. Clark Fraser,  
Robert Hanna,  
B. Hartwell Doupe,

Titus Andrew,  
Mark T. Ellerington,  
John Riddell,  
Jas. Barland,  
J. H. Brown,  
John Murray,  
Frank Avery,  
J. F. Brown,  
Mark Richardson,  
Robert Squire,  
A. D. McConnell,  
Thomas Miller,  
Thomas Kidd,

Sarah Hanna,  
Euphremea Wood,  
Beatrice Jane Thomson,  
Thomas Thomson,  
George Rankin,  
Margaret Rankin,  
Margaret Riddell,  
Adam Robertson,  
Peter Robertson,  
Elizabeth Robertson,  
Francis Middleton,  
John Stiles,  
William J. Pangman,

DEPARTMENT OF THE INTERIOR, OTTAWA, 30th November, 1877.

SIR,—Referring to your despatch, No. 26, of the 13th July last, reporting the inconvenience occasioned to the people of the Territories and to travellers generally from the repeal, by the North-West Territories Act, 1877, of the Act 39 Vic., chap. 22, and suggesting that you should be authorized to appoint an agent at Winnipeg to issue permits, or that such an appointment should be made directly by His Excellency in Council, I have the honor to remark that the Act 39 Vic., chap. 22, was repealed at the instance of Col. Richardson, then in Ottawa, and in accordance, it was supposed, with your own views.

I do not see that His Excellency has any power either to appoint an agent at Winnipeg to issue permits or to give you any special authority to make such an appointment, but it appears to me that there would be no objection to your making an appointment of some trustworthy agent at Winnipeg, whom you might supply with the necessary written permits, and authorize him to give them to parties who ought to receive them, under such instructions as you might give.

In the event of your appointing such an agent, it would appear to be desirable that parties at Winnipeg should be notified of the fact through the *Official Gazette*, or otherwise.

You will understand that in proposing the foregoing plan to meet the difficulty mentioned in your letter, I offered it merely as a suggestion. Should any person be appointed by you as above suggested, you must, of course, be responsible for such appointment.

By the provisions of the second section of 37 Vic., chap. 7, no intoxicating liquor could be brought into the North-West Territories "except by special permission in writing of the Lieutenant-Governor of the said Territories." The 39 Vic., chap. 22, added the following words to the foregoing provision: "or if the Lieutenant-Governor of Manitoba, under regulations to be, from time to time, made by the Governor in Council." The latter Act was repealed by the North-West Territories Act of last Session, the 40 Vic., chap. 7, and the Lieutenant-Governor of the North-West Territories is therefore at present the only person who can grant the necessary "permits." Governor Laird states, that for the position of Battleford this is very inconvenient, and suggests that he be authorized to appoint an agent at Winnipeg to issue permits.

It does not appear that the Governor has any power to give authority to Governor Laird to appoint such an agent at Winnipeg as he proposes. But I do not see that there would be any objection to his appointing, of himself, some trustworthy agent to whom he might supply the necessary permits, and authorize him to give them to parties who ought to have them—under instructions given by the Lieutenant-Governor.

Parties in Winnipeg should be notified, through the *Official Gazette*, or otherwise, of the appointment of such an agent.

E. A. MEREDITH,

His Honor the Lieutenant-Governor North-West Territories,  
Battleford, N.W.T.



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SWAN RIVER, N.W.T., 13th July, 1877.

SIR,—I have the honor to bring under your notice the great inconvenience which is resulting to the people of the Territories, and travellers, from the repeal by the North-West Territories Act, 1877, of 39 Vic., chap. 22, which authorized His Honor the Lieutenant Governor of Manitoba to grant permits for liquor coming into the Territories.

From the fact that both this place and Battleford are not in the great trading routes of travel, it is not convenient for applicants to come to me; and those from abroad, who travel into the country through Winnipeg, are in a still worse position. I may add that application by telegraph is unsatisfactory and expensive; and owing to the line being so frequently out of order, it is also uncertain.

Could not His Excellency the Governor General in Council, by Order, make some provision to meet the difficulty, either by authorizing me to appoint an agent at Winnipeg to issue permits, or by making the appointment directly?

I have the honor to be, Sir, your obedient servant,

DAVID LAIRD, *Lieutenant-Governor.*

Hon. the Minister of the Interior, Ottawa.





## RETURN

(96a)

To an ORDER of the HOUSE OF COMMONS, dated 17th February, 1885 ;—For copies of all Correspondence, Reports to Council, Orders in Council, Reports of Engineers on the ground, Engineers in charge, and of the Chief Engineer, Plans and Estimates of cost, in connection with the proposed Trent Valley Canal.

By Command.

J. A. CHAPLEAU,

Department of the Secretary of State,  
Ottawa, 7th May, 1885.

*Secretary of State.*

OTTAWA, 31st May, 1881.

SIR,—By direction of the Minister, I have to request that you will be pleased to take the necessary steps to obtain, during the ensuing summer, surveys for a system of canals &c., whereby communication may be made between the Bay of Quinté and Georgian Bay, already, in part, effected through the Trent River works, for which survey the sum of \$6,000 was voted by Parliament at its last Session.

I am, Sir, your obedient servant,

F. BRAUN, *Secretary.*

JOHN PAGE, Esq., Chief Engineer of Canals, Ottawa.

TREASURER'S OFFICE, COUNTY OF VICTORIA,

LINDSAY, 6th February, 1882.

SIR,—I have the honor to enclose herewith the petition of the Municipal Council, of the County of Victoria, praying that the construction of a portion of the Trent Valley Canal may be commenced during the present year.

I have the honor to be, Sir, your obedient servant,

T. MATCHETT, *Clerk County Victoria.*

Hon. Sir CHARLES TUPPER, K.C.M.G.,

Minister of Railways and Canals, Ottawa.

To the Hon. Sir Charles Tupper, K. C. M. G., Minister of Railways and Canals for the Dominion of Canada.

The memorial of the Municipal Council of the Corporation of the County of Victoria, humbly sheweth :—

1. That owing to the present and prospective growth of the great North-West, it is necessary to open up as many cheap and expeditious routes as possible to convey the products of that immense tract of fertile country to the seaboard.

2. That the interior of this Province bordering on the River Trent, and waters tributary thereto, is becoming rapidly developed, and requires other and cheaper means of transporting its products to market.

3. That the means of transporting the products of the mines and forests of the northern parts of this and adjoining counties are of a tedious and costly nature.

4. That the construction of the Trent Valley Canal would prove a great national and local benefit, shortening the distance from the great west to seaboard nearly 4 miles.

5. That the sum required for the construction of the said canal would only be a small matter, as compared to the benefits that would accrue to the people of the Dominion.

6. That the feasibility of constructing and working the said canal have been fully and practically demonstrated.

7. That the construction of locks at the village of Fenelon Falls and the construction of that portion of the said canal from Chemong or Mud Lake to the town of Peterborough, would open up a continuous line of navigation from the village of Cobocook, on Balsam Lake, to Rice Lake, a distance of about 100 miles.

8. That your Government have expressed your intention of proceeding with the construction of the said Trent Valley Canal as soon as the finances of the country would permit, thereby acknowledging the necessity and usefulness thereof.

9. That your Government have and will continue to accumulate a large surplus over and above the necessary yearly expenses of the country.

Therefore your memorialists humbly pray,—

That your Government will cause a sufficient amount to be placed in the Estimates of the present year to construct locks at Fenelon Falls and to construct the portion of the canal between Chemong or Mud Lake and the town of Peterborough; and your memorialists further pray that the said work be proceeded with at as early a date this present year as possible.

And your memorialists, as in duty bound, will ever pray.

J. W. DILL, *Warden.*

Passed at Lindsay, this twenty-  
eighth day of January, A.D. }  
1882.

[L.S.]

T. MATCHETT, County Clerk.

**REPORT** on the most eligible route for a Canal between Lake Simcoe and the Rice Lake, and on the practicability and expense of connecting these waters, by Order of His Excellency Sir John Colborne, K.C.B., &c., by R. N. Baird, Civil Engineer, M. I. C. E. L.

CORNWALL, 20th February, 1882.

SIR,—I have the honor to submit, for the information of the Hon. Minister, in obedience to his instructions, a progress report on the result of my labors at the stage of the examination and survey in connection with the projected Trent Valley Canal.

The survey was commenced in July, 1881, and continued until the close of the season.

From the Bay of Quinté to Lake Simcoe *via* Balsam Lake—which is the summit level on the route—the admirable survey made by Mr. W. H. Baird in 1833-35 has served as a base for our operations, and all levels and lateral examinations have been referred thereto.

From Lake Simcoe to Lake Huron, the River Severn—the route recommended by him—has been adopted for preliminary survey, as presenting the most favorable means of making the descent from Lake Couchiching to the Georgian Bay.

And inasmuch as his report thereon contains a full description of the geographical features of the country traversed, a further attempt by me in that direction is now considered unnecessary.

The practicability of the Baird survey in its entirety cannot, I think, be questioned, and it will always be available to fall back on, in the event of subsequent examinations failing to improve upon it.

I have therefore conducted my operations with a view—1st. To reduce, if possible, the length of the route; and 2nd. Its cost of construction; and to this end, have avoided



making further surveys in the vicinity of certain fixed points which have already been exhaustively examined, and which must necessarily be encountered, as in the case with the Fenelon Falls and Bobcaygeon Rapids, each of which obstacles to continuous navigation on the lakes are common to all the routes recommended by Mr. Baird, or to modifications of them.

#### 1st.—EXAMINATIONS BEARING UPON LENGTH OF ROUTE.

Commencing on the River Trent, several lines have been surveyed from near Board's Creek above Chisholm's Rapids to Middle Falls, Crow Bay, and points on Crow River, &c.

Either of these routes will cut off the middle land in the River Trent, and avoid difficult stretch of rapids and falls, both above and below Campbellford, leaving the large manufacturing establishments at or near that village uninterfered with, and so effecting a saving in distance of about 7 miles.

But the fine slack water navigation of Percy Reach or Lake would not be utilized so great an extent if an inland cut were adopted.

The lockage of 150 feet would, of course, be the same in either case.

From the foot of Rice Lake exploratory lines were run in the direction of Percy Landing, at the head of slack-water, with a view to obtain a practicable route for an inland cut, and thereby avoid the middle and upper bends of the river; but thus far, regret to state, our efforts have not been very successful.

It is, however, possible that a more favorable line may be discovered at a point further up the lake, in which case the necessity for the inland cut to Crow Bay—referred to above—will not exist, as the river will not again be struck in its course from Rice Lake to Percy Landing.

By this route the distance saved would be at least 15 miles, and the whole of the difficult stretch of rapids and falls near Campbellford, including Healey's Falls, above Crow Bay, avoided. This great "cut off" is considered of such importance as to warrant further surveys being made during the ensuing season. The lockage from Percy Landing to Rice Lake is 240 feet.

Rice Lake and the River Otonabee, south of Peterboro', have, for many years, formed part of the navigable route extending thence to Healey's Falls, on the Trent, and whereon no further improvement of any importance seems to be required.

A cutting through a bend in the Otonabee, near Rice Lake, has, however, been suggested, which would effect a trifling saving in distance.

North of Peterboro', to Bobcaygeon, two practicable routes are presented:—

1st. That following the course of the Otonabee River, and the circuitous chain of lakes over Burleigh Falls and Buckhorn Rapids; and 2nd, that crossing overland to Mud (Chemong) Lake, and thence by continuous lake navigation to the foot of Bobcaygeon Rapids.

1st. From Peterboro', *via* the Otonabee lakes to Bobcaygeon, the main line appears to be the most feasible route, at least so far as the foot of Buckhorn Rapids. Thence to Bobcaygeon a deviation may be made by the Missisauga Creek, Bald Lake and the eastern arm of Pigeon Lake. By this means the distance can be shortened about 3 miles. The difference in level is 6 feet, being the same in each case.

2nd. From Peterboro' to Bobcaygeon, *via* Mud Lake. Here several lines, starting from the Otonabee River, at various places between the Little Lake and Young's Point, at the head of Lake Katchiwanno, were surveyed, all, however, having Mud Lake as their objective point, and all showing, at a short distance from the lake, an elevation above it of not less than 50 feet. The most favorable line in this direction was found to be from the old Cobourg railway, near Bridgenorth, across the dividing ridge to Nassau, on the Otonabee, and thence by the east bank of that river to the village of Ashburnham, when it falls into the Little Lake.

By this, the more direct route, a saving in distance of 17 miles can be effected, and Burleigh Falls and Buckhorn Rapids, lying on the southern border of the Laurentian formation, avoided.

The lockage from navigable water below the town of Peterborough to the foot of Bobcaygeon Rapids is 189 feet by either route.

From Bobcaygeon to Balsam Lake, the summit 592 feet above the Bay of Quinte, but one route exists, viz., *via* that by Fenelon Falls, which necessarily becomes the point on the main line of water communication towards which all other routes, however modified, converge.

Here the construction of two locks to overcome the falls (about 26 feet) would open up a continuous line of navigation of over 38 miles, extending from the village of Cobocok, on Balsam Lake, or rather Gull River, to Bridgenorth, on Mud Lake, within 6 miles of Peterborough, by the portage road, and also from Cobocok to Port Perry, on Lake Scugog, a distance of 45 miles. From Balsam Lake to Lake Simcoe, the route by which the descent, 118 feet, is proposed to be accomplished, is that by a collateral cutting south of the Talbot River, a very tortuous and, for the most part, rapid stream.

This course is also recommended by Mr. Baird in preference to utilizing the river and it will doubtless be that adopted for construction.

The distance overland does not exceed 17 miles, and the country throughout favorable.

From Lake Simcoe to Lake Huron the descent is found to be 132 feet, instead of 124 feet, as formerly estimated.

The circuitous route by the River Severn, which also lies along the southern border of the Laurentian formation, was surveyed, but owing to the rocky nature of its banks and, at certain points, contracted channel, together with its unfavorable direction, it was ultimately deemed advisable to explore inland for a more feasible route.

These explorations resulted successfully. A favorable line was discovered between Lake Couchiching and Matchedash Bay, commencing at a point about 10 miles east of the village of Orillia and opposite the narrows of Lake Simcoe; thence it crosses the dividing ridge at what may here be considered a low elevation, in a distance of less than 2 miles, where, falling into the valley of a branch of the North River, or rather creek, it descends by an easy route, lying in the general direction and east of the Midland Railway, to Matchedash Bay, a distance of about 16 miles.

By Lake Couchiching and the channel of the River Severn, to its mouth at Port Severn, the distance is 44 miles. The difference in distance is, therefore, over 28 miles in favor of the inland route.

From Bobcaygeon to Chisholm's Rapids an alternative line by the Crow River was suggested, which seemed to possess such apparent advantages, as regards distance, compared with the main line, that its existence could not properly be ignored.

A survey of it was accordingly made, the results obtained from which have not been entirely satisfactory, except as regards the great saving in distance—probably not less than 40 miles—which may be effected by adopting it.

This line commences at Bobcaygeon, and follows the eastern arm of Pigeon Lake to Bald Lake, thence it crosses a low granite ridge to Missisauga Creek, and descends that stream to Deer Bay, below Buckhorn Rapids, where the main line of water communication is struck, and afterwards followed past Burleigh Falls, to the head of Stoney Lake.

Here the line leaves the Otonabee waters, crosses a low dividing ridge of granite, and rising about 6 feet, attains the level of Long Lake, on the head waters of Crow River; thence descending by the channel of North River, flowing between high banks of granite, which passes in its course through South, Round, Belmont and Marmora Lakes, and, falling into Crow River, finally reaches Callihan's Rapids at a point about 7 miles above Crow Bay.

Here the line leaves the river and crosses overland, for the most part, in the valley of Hoard's Creek, to its junction with the River Trent, about 5 miles above Chisholm's Rapids.



The advantages possessed by this route, as regards length, when compared with the main line, are, it may be thought, counterbalanced in a great measure, when the rocky and difficult character of the country traversed by it are fully considered. It may, nevertheless, be worthy of more exhaustive survey before it is pronounced impracticable.

END. EXAMINATIONS WITH A VIEW TO REDUCE THE COST OF CONSTRUCTION ON THE MAIN LINE.

Collateral lines, furnishing data for comparison, have been surveyed at the following points, viz. :—

River Trent, on west bank, from Trenton to Frankfort, at the head of the Nine Mile Rapids.

Also, on west bank, from Percy Landing to the head of Healey's Falls, avoiding the mills in the neighborhood of Campbellford.

On the Otonabee River, from the Little Lake, in rear of Ashburnham, upwards, along the east bank of the river to Lakefield, on Katchiwanno Lake. This line also avoids the numerous mills situated on the river banks from Peterboro' to Nassau, as well as those at the village of Lakefield. From Lakefield to Bobcaygeon two routes have been examined, and are available for purposes of comparison, and this remark will also apply to the line from Balsam Lake to Lake Simcoe, and from Lake Couchiching to Matchedash Bay, on Lake Huron.

It was found last season that time would not permit the all-important question of water supply for the proposed canal to be fully investigated. This matter should now therefore form the subject of a very thorough examination, as the usefulness of the projected line of communication appears to be wholly dependent upon the sufficiency of the supply to be obtained from the summit lakes and their tributaries.

Another season's work in the field will be absolutely necessary to procure accurate information with reference to water supply. When this is obtained the scale of the proposed canal, and also the question of cost, may be dealt with intelligently, and the manner of locating and proceeding with works of construction be determined upon.

In the foregoing report, I have endeavored to lay before the Hon. the Minister, in a condensed form, the result of my preliminary examination and surveys, which I trust will be considered as having been conducted in accordance with the tenor of his instructions to me.

I have the honor to be, Sir, your obedient servant,

THOS. S. RUBIDGE, *Civil Engineer.*

F. BRAUN, Esq., Secretary Department of Railways and Canals, Ottawa.

OTTAWA, 20th March, 1882.

SIR,—In further reference to your verbal instructions of the 10th instant, relative to the selection of the most favorable point whereat to commence the work of construction on the line of the Trent Valley Canal, pending the completion of the surveys, I have now the honor to report as follows :—

The chain of lakes (here called the "Back Lakes"), which form the head waters of the Otonabee River, and extend from Lake Ketchiwanno to Balsam Lake, the summit of the projected canal, are susceptible of improvement, at a comparatively moderate cost, when the length of continuous, although circuitous navigation, to be obtained thereby is taken into consideration.

These waters lie along the main line of water communication recommended by Mr. Baird in 1835, and it is also the route, which at this stage of the surveys, appears to me to be the most practicable, due regard being paid to the scale of navigation to be determined hereafter, i.e., upon the completion of the surveys, when all necessary information in connection with water supply, &c., has been obtained.

I state, in my progress report of 20th February, that Fenelon Falls is a point on the main line, common to all routes which have hitherto been suggested or examined,

And that Bobcaygeon Rapids (now rendered navigable by a lock and dam) is also a common point.

It is therefore proposed:—

1st. To construct two locks at Fenelon to surmount the falls, about 26 feet. This would open out the route from Coboconk, the northern terminus of the Toronto and Nipissing Railway to Bridgenorth, on Mud Lake, a distance of about 40 miles, and also the route past the town of Lindsay to Port Perry on Lake Scugog, 45 miles.

2nd. By the construction (in addition to the works at Fenelon) of a lock of 8 feet lift at Buckhorn Rapids, and of three locks at Burleigh Chute and Falls (about 30 feet), the village of Lakefield, on the Otonabee, a railway station 9 miles above the town of Peterboro', will become another starting point from which the continuous navigation will extend to Coboconk, Port Perry and Bridgenorth, and thus complete the connection of the entire chain of the "Back Lakes." The distance from Lakefield to Coboconk will be over 60 miles by the lakes, and from Lakefield to Port Perry 80 miles.

The Victoria Railway is crossed near Fenelon Falls. The accompanying map will serve to explain the relative positions of the "Back Lakes," &c., &c.

An approximate estimate of the cost of the works recommended for immediate construction is here submitted, viz.:—

1. Fenelon Falls, 2 locks and swing bridge—opening out the route from Balsam to Mud and Scugog Lakes, say.....	\$100,000
2. Fenelon Falls, as above.....	\$100,000
Buckhorn Rapids, 1 lock connecting Pigeon and Buckhorn Lakes with Deer Bay.....	50,000
Burleigh Chute and Falls, 3 locks and dam to connect Deer Bay with Stoney and Clear Lakes.....	140,000
Total to complete "Back Lakes" navigation...	<u>\$290,000</u>

NOTES.—The sum of \$91,000 is included in the above amount for deepening channels and forming entrances. And the average cost of the locks is estimated not to exceed \$31,500 each.

Near Fenelon Falls an opening must be constructed in the Victoria Railway Bridge, for which \$10,000 is allowed.

I have the honor to be, Sir, your obedient servant,

THOS. S. RUBIDGE, *Engineer*.

JOHN PAGE, Esq., Chief Engineer of Canals.

OTTAWA, 8th April, 1882.

MEMORANDUM.—The undersigned has the honor to represent that from time to time, during many years past, as shown in successive annual and other reports, the establishment of a line of water communication between Lake Ontario, at the mouth of the River Trent and Lake Huron, through the utilizing of existing river and lake waters, has been under consideration.

That in 1833 a survey of the section of country extending from the mouth of the Trent to Rice Lake, was made by Mr. W. H. Baird, and in 1835 a further survey was made by him, dealing with the remaining section between Rice Lake and Lake Simcoe, the contemplated course being as follows:—

Through the River Trent, Rice Lake, the River Otonabee, and Lakes Clear, Buckhorn, Cheemong, Pigeon, Sturgeon and Cameron, to Lake Balsam, the summit water, about 166 miles from Trenton. From Lake Balsam by a canal and the river Talbot, to Lake Simcoe; thence by the River Severn to Georgian Bay, Lake Huron, the total distance being about 235 miles.



That operations were thereupon commenced, but were subsequently, in 1839, suspended, owing to lack of funds, and that in 1841, at the time of the Union, the scheme of forming a line of through communication was laid aside. The works commenced were, however, utilized, and others were executed to aid in the passage of timber, for which purpose, and for local use, they have, in part at least, been maintained ever since. The dimensions of the Dominion locks are 133 feet 6 inches in length, by 33 feet in width, with 5 feet of water on the sills.

That in consequence of representations made and the reception of various petitions from parties interested, an appropriation was voted, during the last Session of Parliament, to cover the cost of a further survey and examination of the rivers and lakes lying between the Bay of Quinté and Georgian Bay, and that under date of the 20th inst. a report has been received from Mr. Thomas Rubidge, the engineer appointed to conduct such survey.

That under instructions, Mr. Rubidge has directed his attention more especially to the determination of points where the construction of works would afford the greatest immediate advantage to local navigation, such works being, at the same time, an integral part of any greater scheme of thorough examination which may hereafter be carried out. His report accordingly deals exclusively with that chain of lakes, designated by him the Back Lakes, which form the head waters of the River Otonabee and extends from Lake Kitchiwanoo to Balsam Lake, the summit waters of the projected canal. This chain forming part of the main line of communication recommended by Mr. Baird.

That Mr. Rubidge's report favors the construction of the following works, the estimated cost of which is given:—

1. Fenelon Falls, 2 locks and swing bridge, opening out the route from Balsam Lake to Mud and Scugog Lakes.....	\$100,000
2. Buckhorn Rapid, 1 lock, connecting Pigeon and Buckhorn Lakes with Deer Bay.....	50,000
3. Burleigh Chute and Falls, 3 locks and dam, to connect Deer Bay with Stoney and Clear Lakes.....	140,000
Total .....	<u>\$290,000</u>

That by the works named communication would be opened between Lakefield, at the head of the Otonabee Rapids, about 6 miles from the town of Peterborough, and Lake Sturgeon, a distance of 45 miles; thence to Coboconk, on Gull River, flowing into Balsam Lake, a distance of 15 miles, a southern route being opened from Lake Sturgeon to Port Perry, on Lake Scugog, a distance of 35 miles, by means of an existing lock at Lindsay, built by the Ontario Government in 1879. In addition to the above, the construction of these works would open up some 55 miles of lateral navigation, making a total of 150 miles, bringing a very considerable extent of country into direct communication with the western and southern railway systems of Ontario.

That a report made by the Chief Engineer, on the 29th ultimo, shows that the upward route to be followed by a vessel, upon the completion of the works suggested, would be as follows:—

Starting from Lakefield, a lock at Young's Point, built by the Government of the Province of Ontario, gives access to Clear Lake and Stoney Lake, at the head of which the two proposed new locks at Burleigh Falls, and the one new lock at Burleigh Chute, would open communication with Deer Bay—a further new lock at Buckhorn Rapids giving a passage to Pigeon Lake. At Sturgeon, a lock was built in 1857, by the Canadian Government, connecting Pigeon Lake with Sturgeon Lake; while the construction of the two new locks at Fenelon Falls would afford access from Sturgeon into Cameron's Lake, whence, by means of a lock built by the Ontario Government, a vessel would pass up to Coboconk, and so through to Balsam Lake, the summit waters of the several works specified. The Chief Engineer considers those at Fenelon's Falls to be the most important.

The undersigned, recognizing the fact that the interest of a very large section of country would be served by the opening up of navigation in this district, and that the works, as above set forth, are best calculated to meet immediate requirements while being, at the same time, of use in any further development in this direction, recommends that the sum of two hundred and ninety thousand dollars (\$290,000) be placed in the Supplementary Estimates for the year 1882-83, to be laid before Parliament during the present Session.

Respectfully submitted,

CHARLES TUPPER, *Minister of Railways and Canals.*

*COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 17th April, 1882.*

On a memorandum, dated 8th April, 1882, from the Minister of Railways and Canals submitting that from time to time, during many years past, as shown in successive annual and other reports, the establishment of a line of water communication between Lake Ontario, at the mouth of the River Trent, and Lake Huron, through the utilizing of existing river and lake waters, has been under consideration.

That in 1833 a survey of the section of country extending from the mouth of the Trent to Rice Lake was made by Mr. W. H. Baird, and in 1835 a further survey was made by him, dealing with the remaining section between Rice Lake and Lake Simcoe, the contemplated course being as follows:—"Through the River Trent to Rice Lake, the River Otonabee and Lakes Clear, Buckhorn, Chemong, Pigeon, Sturgeon and Cameron to Lake Balsam, the summit water, about 166 miles from Trenton. From Lake Balsam, by a canal and the River Talbot to Lake Simcoe, thence by the River Severn to Georgian Bay, Lake Huron—the total distance being about 230 miles."

That operations were thereupon commenced, but were subsequently, in 1839 suspended, owing to lack of funds, and that in 1841, at the time of the Union, the scheme of forming a line of through communication was laid aside. The works commenced were, however, utilized, and others were executed to aid in the passage of timber, for which purpose, and for local use, they have, in part at least, been maintained ever since.

The dimensions of the Dominion locks are 133 feet 6 inches in length by 33 feet in width, with 5 feet of water on the sills.

That in consequence of representations made and the reception of various petitions from parties interested, an appropriation was voted during the last Session of Parliament to cover the cost of a further survey and examination of the rivers and lakes lying between the Bay of Quinté and Georgian Bay, and that under date the 20th instant a report has been received from Mr. Thomas Rubidge, the engineer appointed to conduct such survey.

That under instructions, Mr. Rubidge has directed his attention more specially to the determination of points where the construction of works would afford the greatest immediate advantage to local navigation, such works being, at the same time, an integral part of any greater scheme of through communication which may hereafter be carried out. His report, accordingly, deals exclusively with that chain of lakes, designated by him the Back Lakes which forms the head waters of the River Otonabee, and extends from Lake Kitchiwanno to Balsam Lake, the summit waters of the projected canal, this chain forming part of the main line of communication recommended by Mr. Baird.

That Mr. Rubidge's report favors the construction of the following works, the estimated cost of which is given:—

1. Fenelon Falls, 2 locks and swing bridge, opening out the route from Balsam Lake to Mud and Scougog Lakes..... \$100,000



2. Buckhorn Rapids, 1 lock connecting Pigeon and Buckhorn Lakes with Deer Bay.....	50,000
3. Burleigh Chute and Falls, 3 locks, and dam to connect Deer Bay with Stoney and Clear Lakes.....	140,000
<b>Total.....</b>	<b>\$290,000</b>

That by the works named communication would be opened between Lakefield, at the head of the Otonabee Rapids, about 6 miles from the town of Peterborough, and Lake Sturgeon, a distance of 45 miles; thence to Coboconk on Gull River, flowing into Balsam Lake, a distance of 15 miles, a southern route being opened from Lake Sturgeon to Port Perry or Lake Scugog, a distance of 35 miles, by means of an existing lock at Lindsay, built by the Ontario Government in 1879.

That in addition to the above, the construction of these works would open up some 55 miles of lateral navigation, making a total of 150 miles, bringing a very considerable extent of country into direct communication with the western and southern railway systems of Ontario.

That a report made by the Chief Engineer on the 29th ultimo shows that the upward route to be followed by a vessel upon the completion of the works suggested would be as follows:—

Starting from Lakefield, a lock at Young's Point, built by the Government of the Province of Ontario, gives access to Clear Lake and Stoney Lake, at the head of which the two proposed new locks at Burleigh Falls and the one new lock at Burleigh Chute would open communication with Deer Bay, a further new lock at Buckhorn Rapids giving a passage to Pigeon Lake. At Bobcaygeon a lock was built in 1857 by the Canadian Government, connecting Pigeon Lake with Sturgeon Lake, while the construction of the two new locks at Fenelon Falls would afford access from Sturgeon into Cameron's Lake, whence, by means of a lock built by the Ontario Government, a vessel could pass up to Coboconk, and so through to Balsam Lake, the summit waters. Of the several works specified, the Chief Engineer considers those at Fenelon Falls to be the most important.

The Minister recognizing the fact that the interests of a very large section of country would be served by the opening up of navigation in this district, and that the works as above set forth are the best calculated to meet immediate requirements, while being, at the same time, of use in any further development in this direction, recommends that the sum of two hundred and ninety thousand dollars (\$290,000) be placed in the Supplementary Estimates for the year 1882-83, to be laid before Parliament during its present session.

The Committee submit the above recommendation for Your Excellency's approval.

JOHN J. MCGEE, *Asst. Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS,

OTTAWA, 21st July, 1882.

SIR,—*Re* Trent navigation—I have the honor to request that I may be authorized by the Department to examine the shores of the river and lakes lying between Burleigh Falls and Buckhorn Rapids, in order to ascertain approximately the quantity of land which will be flooded by the proposed dams and other works.

And also that I may be further authorized to obtain from the owners of land so flooded their consent to permit the Government to proceed with the construction of the contemplated works, and an agreement not to advance any future claims for damages to their canals.

I have the honor to be, Sir, your obedient servant,

THOS. S. RUBIDGE.

A. P. BRADLEY, Esq., Secretary Department Railways and Canals.

OTTAWA, 4th August, 1882.

SIR,—Referring to your letter of the 21st ultimo, I am directed to authorize you to make a survey of the shores of the river and lakes lying between Burleigh Falls and Buckhorn Rapids, with a view of ascertaining the approximate extent of land liable to be flooded by the proposed new dams and other works on the Trent line of navigation. The question whether, and what, compensation should be allowed in such cases, will be submitted to valuers for consideration and report thereon to the Department.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary*.

THOS S. RUBIDGE, Esq.

OTTAWA, 6th September, 1882.

SIR,—I am directed to request that you will be pleased to state what would be the probable cost of the Trent River works when completed, based upon the rates given in the lowest tender received.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary*.

THOS. RUBIDGE, Esq., Chief Engineer Trent River Works.

CORNWALL, 8th September, 1882.

DEAR SIR,—I do not quite understand *re* cost Trent River works, &c., in official communication of 6th instant.

I trust it is not the probable cost of the entire work.

Please let me know before Monday.

Yours very truly,

THOS. S. RUBIDGE.

A. P. BRADLEY, Esq., Ottawa.

OTTAWA, 9th September, 1882.

SIR,—In reply to your letter of the 8th inst., asking for further instructions in respect of my letter of the 6th inst., I am directed to say that it is desired that you should add to the amount of the lowest tender received for the Trent works such sums as may, in your opinion, represent the probable cost to be incurred for lands gates, engineers; together with contingencies, furnishing the Department with an estimate, as close as can be given, of the cost of the whole of the works at Burleigh Buckhorn and Fenelon Falls, when completed.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary, per F. D.*

T. S. RUBIDGE, Engineer-in-Charge Trent Valley Canal, Cornwall.

PETERBOROUGH, 21st September, 1882.

SIR,—In reply to your communications of the 6th and 9th inst., requesting me to "furnish the Department with an estimate, as close as can be given, of the cost of the whole of the works at Burleigh, Buckhorn and Fenelon Falls, when completed,"

I have now the honor to submit the following estimate :—



ESTIMATE of the total cost of the Back Lake Division of the Trent Navigation Works, when completed, based upon the amounts of the respective lowest tenders therefor, received 24th August, 1882.

	Burleigh.	Buckhorn.	Fenelon Falls.
	\$	\$	\$
Amount of lowest tenders.....	155,926	67,280	100,201
Highway bridges (of wood).....	1,250	1,250	1,500
Railway do do .....			3,000
Lock gates, &c.....	6,750	2,700	4,050
Lock houses .....	800	800	1,000
Land damages, including valuator's... ..	3,000	2,000	3,500
Engineering, superintendence, &c. ....	9,000	5,000	7,000
	176,726	79,030	120,251

#### RECAPITULATION.

Burleigh.....	\$176,726
Buckhorn.....	79,030
Fenelon Falls.....	120,251
Total.....	<u>\$376,007</u>

I have the honor to be, Sir,

Your obedient servant,

THOS. S. RUBIDGE.

A. P. BRADLEY, Esq., Secretary Department Railways and Canals.

CORNWALL, 7th September, 1882.

SIR,—As requested in your telegram of this date, I have the honor to forward the original of the general map shown to Sir Charles last winter, upon which is represented the route of the proposed "Trent Navigation" between Lakes Ontario and Huron.

I have the honor to be, Sir, your obedient servant,

THOS. S. RUBIDGE.

A. P. BRADLEY, Esq., Secretary Department Railways and Canals.

PETERBORO', 1st November, 1884.

#### TRENT VALLEY CANAL.

A continuous location survey, estimate, &c., for the direct line, as indicated in a previous report, was completed last spring, and its general results given by me to the Hon. the Minister.

This, the most direct and practicable line of those examined, necessarily diverged in many important instances from the route originally projected by Baird, in 1835; for which reason representations were subsequently made by persons locally interested in the undertaking, and acquainted with the character of the country traversed, to the effect that a closer adherence to, and the canalization of all rivers connecting the several lakes, was desirable; that although more circuitous, such a course would, nevertheless, be much cheaper than its adoption by the Government of the line surveyed by me, and would yet be sufficiently direct for all practical purposes, regarded as a natural navigable highway to the west.

Accordingly, in view of such representations, and of the importance attached to the selection of the best location for this extensive work, the Minister directed that additional information in relation to the original project should forthwith be obtained to enable me to present an estimate therefor, as an alternative line, in the report of surveys, to be submitted to the Chief Engineer of Canals.

The necessary additional information has, in part, been obtained during the past summer, but a more minute examination of the Severn River, and other waters not included in the surveys for the direct line, remains to be accomplished, and as the work can be more satisfactorily performed on the ice, it will be proceeded with during the winter.

### TRENT NAVIGATION.

The works on the proposed Trent Valley Canal now authorized and under construction, are confined to the "Black Lakes Division," which extends from Lakefield at the head of the "Nine-mile Rapids" of the Otonabee River, to Balsam Lake, to the summit level, a distance of 60 miles.

This division at present includes the regulating dams at Lakefield and Young Point, and the Burleigh, the Buckhorn and Fenelon Falls canals.

#### LAKEFIELD DAM

is formed of crib-work, and will replace the old "Strickland mill-dam." It is designed to regulate and control the levels on Katchewanooka Lake, for the purpose of navigation. The contract was entered into with Mr. Charles Wynn, 19th March 1884, to be completed 1st December, 1884. Some necessary repairs have been made under the contract, to the mill-dam, in order to maintain it until the new structure is completed. The foundation has been commenced, and a quantity of materials delivered on the work.

#### YOUNG'S POINT DAM.

This dam is also of crib-work, similar to that at Lakefield. It is situated below and near the old mill-dam, and will control and maintain the navigable reach extending upwards through Clear and Stoney Lakes to Burleigh Falls. The contract was entered into with Mr. Charles Wynn, 23rd January, 1884, to be completed 1st September, 1884. The work is executed in a very substantial manner, and will be completed this season.

#### BURLEIGH CANAL.

This work covers the interval from Stoney to Deer Bay Lake, a distance of about  $2\frac{1}{4}$  miles. It includes Big Burleigh Chute, Lovesick Lake and Lovesick Rapids, and consists in the construction of three lift-locks, of which two at Burleigh Chute are combined; also the necessary regulating and flat dams, &c., and the abutments for the Colonization Road bridge. The contract was entered into with Mr. George Gowan, 27th September, 1882, to be completed 1st July, 1885.

In April last a quarry was opened about one mile south of Burleigh Bridge, and a small force has been employed thereat in preparing stone for the locks; and some timber, intended for lock foundations and for the dams, has also been delivered on the section.

The plant from Buckhorn is, it is stated, to be removed to this work, in readiness for next season's operations.

#### BUCKHORN CANAL,

about one-fourth of a mile in length, occupies the north bank of the upper rapids which obstruct the channel between Deer Bay and Buckhorn Lakes. The work here consists of a lift-lock, with the necessary piers to form the lower entrance, and a short reach of canal leading into Buckhorn Lake; also of the improvement of the Little Buckhorn Rapids, by the removal of some detached rock and boulders.



This contract, also, was entered into with Mr. George Goodwin, 27th September, 1882, to be completed 1st September, 1884.

The work will be completed this season. It is of a very substantial character, and has been conducted in a very satisfactory manner since its commencement, in March, 1883, notwithstanding the difficult nature of the excavation, granite work and boulders.

#### FENELON FALLS CANAL

is situated on the eastern bank of the outlet of Cameron's Lake, and nearly in the centre of the village of Fenelon Falls. It is about one-third of a mile in length, and is designed to overcome the falls between Sturgeon and Cameron's Lake.

The work consists in the construction of two lift-locks, combined with entrance piers below, and a short reach of canal above them; also, of the requisite pivot and rest piers to form a passage through the existing bridge on the Victoria Railway. The contract was entered into with Messrs. A. F. Manning & Co., 14th October, 1882, to be completed 1st July, 1885.

Work was commenced 16th October, 1882, and has since been continued without interruption, and in a very satisfactory manner, although much difficulty was experienced in connection with the unwatering of the works.

The upper lock, commenced in 1883, is now about half finished, and the lower lock, which was only begun this season, will be completed before its close.

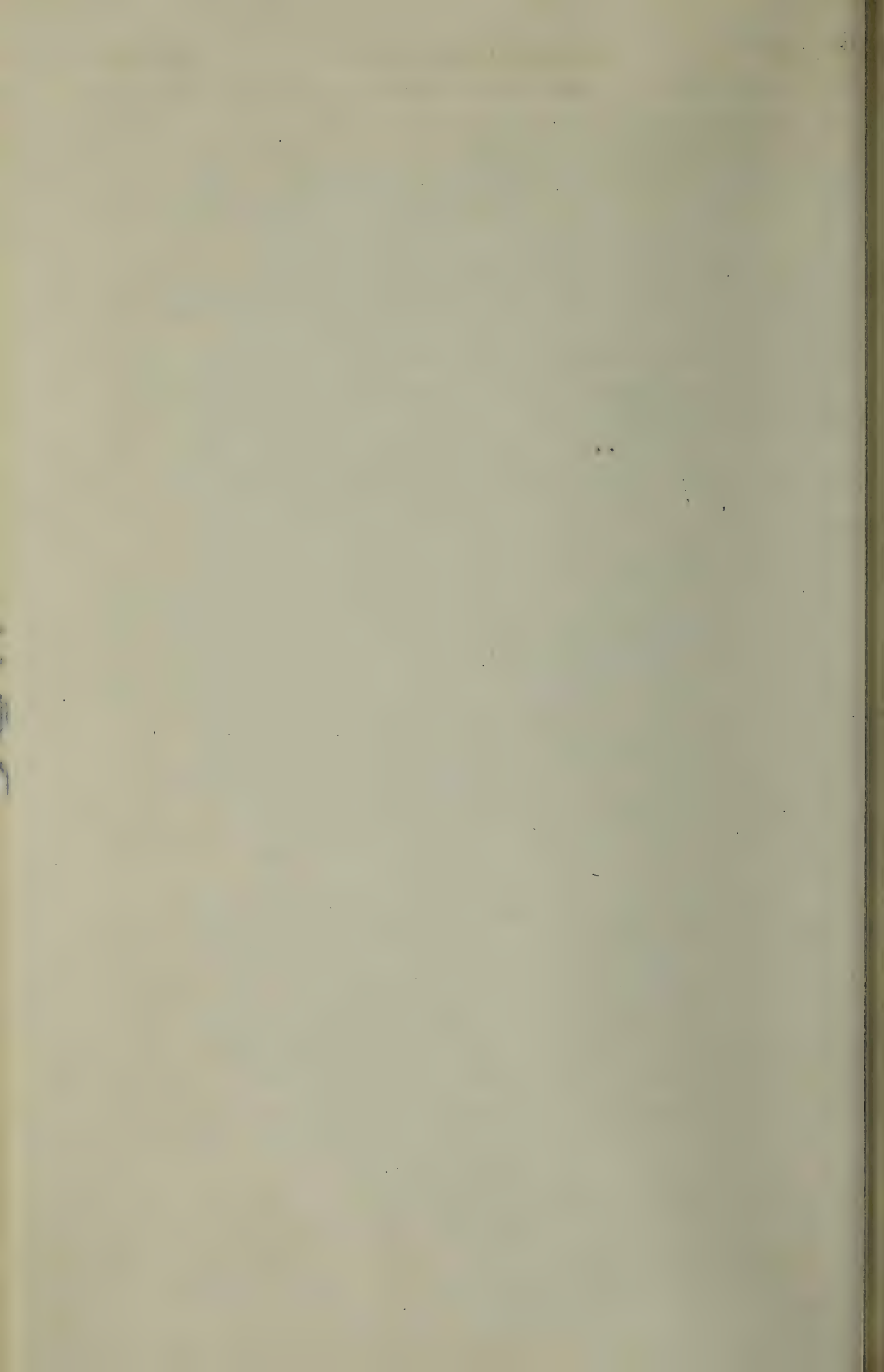
The piers forming the lower entrance are also completed, the channel between them deepened, and the cofferdam in course of removal.

The excavation in prism of canal and stone to complete the upper lock and the bridge piers has been prepared at Bobcaygeon quarry, and is now being delivered on the section. All the work embraced in the contract will, it is anticipated, be fully completed by the end of the season of 1885.

The construction of a raceway for mill purposes has been authorized in connection with this canal, and an arrangement was made with the contractors to undertake this work also, as it, to some extent, affects the masonry of the upper lock.

I have the honor to be, Sir, your obedient servant,

JOHN S. RUBIDGE, *Engineer-in-Charge.*





## RETURN

(97a.)

To an ADDRESS of the HOUSE OF COMMONS, dated 6th February, 1885 ;—For copies of all Orders in Council, Reports, Correspondence and Papers respecting the grant or payment of any Subsidies to Railways other than the Canadian Pacific Railway, not already brought down, and Statements in detail of all such payments to date.

By Command,

J. A. CHAPLEAU,

*Secretary of State.*

Department of the Secretary of State,  
Ottawa, 30th March, 1885.

### INTERNATIONAL RAILWAY.

OTTAWA, 1st August, 1883.

SIR,—I have the honor to report that, in accordance with instructions, I have examined the portion of the International Railway for a distance of 29 miles east of the village of Lennoxville, and find that it has been re-laid with steel rails of 56 lbs. per yard throughout, thus forming a line of continuous steel rails from Lennoxville to Lake Megantic, a distance of 66 miles.

The roadbed, structures and permanent way on the above section of 29 miles are in good and safe condition, and conform to the requirements of the agreement dated 20th July, 1883, sanctioned by Order in Council dated 31st July, 1883, under the authority of the Act 46 Vic., chap. 25.

I have the honor to be, Sir, your obedient servant,

THOMAS RIDOUT.

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals.

OTTAWA, 2nd August, 1883.

MEMORANDUM.—The undersigned has the honor to represent that by an Order in Council dated the 31st July, 1883, approval has been given to the conditions of an agreement between the Government and the International Railway Company, under which the subsidy of \$3,200 per mile, authorized by Parliament last Session to be granted in aid of the construction of a portion of their line, 49 miles in length, between Sherbrooke and the boundary, is payable upon the completion of this line by certain dates and in accordance with requirements specified in the said agreement.

That under date the 1st instant, the Inspecting Engineer of this Department reports that he has examined the portion of the line, for a distance of 29 miles east of the village of Lennoxville, the completion of which, by the 1st instant, is one of the provisions of the contract with the Government, and that he finds the track to have been re-laid with steel rails of 56 lbs. per yard throughout. That the roadbed, structures and permanent way on the said section of 29 miles are in good and safe condition, and that they are in conformity with the requirements of the agreement.

The undersigned, upon such report, recommends that authority be given for the payment to the company of their subsidy for the 29 miles in question, at the rate of \$3,200 a mile, or a total of \$92,800.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 4th August, 1883.*

On a memorandum dated 2nd August, 1883, from the Acting Minister of Railways and Canals, representing that by an Order in Council dated the 31st July, 1883, approval has been given to the conditions of an agreement between the Government and the International Railway Company, under which the subsidy of \$3,200 per mile, authorized by Parliament last Session to be granted in aid of the construction of a portion of their line, 49 miles in length, between Sherbrooke and the boundary, is payable upon the completion of this line by certain dates and in accordance with requirements specified in the said agreement.

The Minister represents that under date the 1st August instant, the Inspecting Engineer of his Department reports that he has examined the portion of the line for a distance of 29 miles east of the village of Lennoxville, the completion of which, by the 1st instant is one of the provisions of the contract with the Government, and that he finds the track to have been re-laid with steel rails of 56 lbs. per yard throughout.

That the roadbed, structures and permanent way on the said section of 29 miles are in good and safe condition, and that they are in conformity with the requirements of the agreement.

The Minister, upon such reports, recommends that authority be given for the payment to the company of their subsidy for the 29 miles in question, at the rate of \$3,200 a mile, or a total of \$92,800.

The Committee advise that authority be granted as recommended.

JOHN J. McGEE, *Clerk Privy Council.*

OTTAWA, 17th December, 1883.

SIR,—In accordance with your instructions, I inspected, on the 13th instant, that section of the International Railway from a point near the Lake Megantic, eastward to the boundary line, between the Province of Quebec and the State of Maine, a distance of 16 miles, with a view of the railway being opened for passenger traffic.

And now beg to report that I found the line well and substantially constructed. The sharpest curve on this section is 6°, or 955 feet radius, and the steepest gradient 66 feet per mile.

The embankments and cuttings are of ample width and efficiently drained.

The culverts are of timber, through light banks, and of dry masonry under heavy embankments. Substantial "T" abutments, in cement masonry, have been erected for the bridge over the Chaudière River, of 110 feet span, which space is now crossed by substantial trestle work of 14 feet centres, which will eventually be replaced by iron or steel superstructure. This bridge is approached from the west by trestle of 75 feet length by 20 feet in height, which will be filled in with solid embankment.

The public road crossings are on the level, with the exception of an under crossing at the village of Agnes.

Where the line passes through a cleared country it has been fenced with a good substantial wire fence, with a scantling of wood along the top, which has the effect of preventing horses and cattle running against the fence and injuring themselves.

The permanent way is laid with steel rails, 56 lbs. per yard; the ties are principally of cedar with a few tamarac on curves, distributed on an average of about 2,800 ties to the mile. One lift of ballast of 6 inches under tie has been given throughout, and the ballasting will be completed next year.



The track is in good alignment and level, and I consider this section of railway in good and safe condition for the conveyance of passengers.

I am, Sir, your obedient servant,

THOMAS RIDOUT.

COLLINGWOOD SCHREIBER, Esq., Chief Engineer Government Railways.

OTTAWA, 20th December, 1883.

MEMORANDUM.—The undersigned has the honor to represent that the International Railway Company, subsidized by authority of the Act 46 Vic., chap. 25, to the extent of \$3,200 a mile, for a distance of 49 miles, in aid of the construction of their road from Sherbrooke to the boundary line, in sections and by dates approved by an Order in Council of the 31st of July, 1883, have now completed the second section, that, namely, extending from a point near Lake Megantic to the boundary, a distance of 16 miles.

That such section has been duly inspected and found to be completed in accordance with the specifications approved by the said order, and embodied in an agreement made with the company thereunder.

On the advice of the Chief Engineer the undersigned recommends that authority be now given for the payment of the subsidy contemplated by the Act, for the distance of 16 miles now completed, being at the rate of \$3,200 a mile, or a total of \$51,200, and making, with this sum of \$92,800 already paid for the first 29 miles, a total payment of \$144,000.

Respectfully submitted.

J. H. POPE, *Acting Minister Railways and Canals.*

I recommend that authority be granted for the opening of this section of road for traffic.—C. S.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st December, 1883.

On a memorandum dated 20th December, 1883, from the Minister of Railways and Canals, submitting that the International Railway Company, subsidized by authority of the Act 46 Vic., chap. 25, to the extent of \$3,200 a mile, for a distance of 49 miles, in aid of the construction of their road from Sherbrooke to the boundary line, in sections and by dates approved by an Order in Council of the 31st July, 1883, have now completed the second section, that, namely, extending from a point near Lake Megantic to the boundary, a distance of 16 miles.

The Minister represents that such section has been duly inspected and found to be completed in accordance with the specifications approved by said Order, and embodied in an agreement made with the company thereunder.

The Minister, on the advice of the Chief Engineer, recommends that authority be now given for the payment of the subsidy contemplated by the Act, for the distance of 16 miles now completed, at the rate of \$3,200 a mile, or a total of \$51,200, and making, with the sum of \$92,800 already paid for the first 29 miles, a total payment of \$144,000.

The Committee advise that the requisite authority be granted accordingly.

JOHN J. McGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

## QUEBEC AND LAKE ST. JOHN RAILWAY.

OTTAWA, 10th November, 1883.

SIR,—In my report of the 8th ultimo on the work performed on the first 10-mile section of the Quebec and Lake St. John Railway, it was stated that I was then unable to give an opinion with regard to the proportional value on the work on this section, in comparison with that on the whole line. Since then, the company has

furnished, by letters of 2nd November, No. 32643, and 8th November, No. 32691 sufficient information as to the quantities of this section and those of the whole line between St. Raymond and Lake St. John, to justify me in saying that I consider the work on the first 10-mile section is a fair average of the whole work undertaken; and I therefore beg to recommend the payment of the subsidy of \$3,200 per mile on this section, No. 1, amounting to the sum of \$32,000.

Your obedient servant,

THOMAS RIDOUT.

A. P. BRADLEY, Esq., Secretary Department Railways and Canals.

OTTAWA, 12th November, 1883.

MEMORANDUM.—The undersigned has the honor to represent that, by an agreement made with the Quebec and Lake St. John Railway Company, under date the 4th of September last, previously sanctioned by an Order in Council of the 18th of August, provision has been made for the payment of a subsidy of \$3,200 a mile towards the construction of their line between St. Raymond and Lake St. John, authorized by the Acts 46 Vic., chap. 25 and 45 Vic., chap. 14.

That under a clause of the said agreement, payment is to be made by instalment on the completion of each section of not less than 10 miles of railway, proportionate to the value of the portion so completed in comparison with the value of the whole work undertaken, to be established by the report of the Minister of Railways and Canals.

That upon application from the company an inspection has been made of the first 10 miles of the said subsidized line by the proper officer of this Department whose report, dated the 8th ultimo, shows the work to have been satisfactorily executed and to be fully up to the standard required by the agreement between the company and the Government.

That the Inspecting Engineer was not, at that date, in possession of the information necessary to estimate the proportionate value of this section; this company however, have now, under date the 5th instant, furnished such information, and on the 10th instant the engineer has reported that the data supplied, as to the quantities on this section and as to those on the whole line between St. Raymond and Lake St. John are sufficient to justify him in considering the work on the first 10 mile section to be a fair average of the whole work undertaken. The Chief Engineer thereupon has advised payment of the subsidy of \$3,200 a mile on this section.

The undersigned accordingly recommends that authority be given for payment of the subsidy of \$3,200 a mile for this distance of 10 miles, or a total of \$32,000.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

*CERTIFIED Copy of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 15th November 1883.*

On a memorandum dated 12th November, 1883, from the Acting Minister of Railways and Canals, submitting that by an agreement made with the Quebec and Lake St. John Railway Company, under date the 4th of September last, previously sanctioned by an Order in Council of the 18th of August, provision has been made for the payment of a subsidy of \$3,200 a mile towards the construction of their line between St. Raymond and Lake St. John, authorized by the Acts 46 Vic., chap. 25 and 45 Vic., chap. 14, and that under a clause of the said agreement payment is to be made by instalments on the completion of each section of not less than 10 miles of railway, proportionate to the value of the portion so completed in comparison with the value of the whole work undertaken, to be established by the report of the Minister of Railways and Canals.

The Minister represents that upon application from the company an inspection has been made of the first 10 miles of the said subsidized line by the proper officer.



of his Department, whose report dated the 8th ult., shows the work to have been satisfactorily executed and to be fully up to the standard required by the agreement between the company and the Government.

That the Inspecting Engineer was not at that date in possession of the information necessary to estimate the proportionate value of this section. The Company however have now under, date the 5th instant, furnished such information, and on the 10th instant, the engineer has reported that the data supplied as to the quantities on this section, and as to those on the whole line between St. Raymond and Lake St. John are sufficient to justify him in considering the work on the first 10-mile section to be a fair average of the whole work undertaken. The Chief Engineer has thereupon advised payment of the subsidy of \$3,200 a mile on this section.

The Minister accordingly recommends that authority be given for payment of the subsidy of \$3,200 a mile for this distance of 10 miles, or a total of \$32,000.

The Committee submit the above recommendation for Your Excellency's approval.

JOHN J. MCGEE.

### NAPANEE AND TAMWORTH RAILWAY.

OTTAWA, 31st December, 1883.

SIR,—In obedience to your instructions I inspected, on the 22nd instant, that portion of the Napanee, Tamworth and Quebec Railway, being the first ten (10) miles northward from the Town of Napanee.

And now beg to report that this first 10-mile section of railway has been completed in accordance with the specification approved of by the Governor in Council on 21st December, 1883, and embodied in the agreement made by the company with the Government on 31st December, 1883.

The work on the above section is a fair average of the whole work undertaken between Napanee and Tamworth.

I am, Sir, your obedient servant,

THOMAS RIDOUT.

COLLINGWOOD SCHREIBER, Esq., Chief Engineer Government Railways.

OTTAWA, 31st December, 1883.

MEMORANDUM.—The undersigned has the honor to represent that an inspection has been made of a portion of the subsidized line of the Napanee, Tamworth and Quebec Railway Company, namely: Of the first ten (10) miles northward from the town of Napanee.

That the inspection shows the said portion to have been completed in accordance with the terms of the specification approved by Order in Council on the 21st instant, and attached to the agreement made with the company on the 31st instant, the work being a fair average of the whole work undertaken between Napanee and Tamworth.

With the concurrence of the Chief Engineer of the Government, the undersigned recommends that authority be given for the payment to the company of the subsidy contemplated by the Act 46 Vic., chap. 25, namely, \$3,200 a mile for the 10 miles now completed, or a total of \$32,000.

Respectfully submitted,

CHARLES TUPPER, *Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 1st January, 1884.

On a memorandum dated 31st December, 1883, from the Minister of Railways and Canals, representing that an inspection has been made of a portion of the subsidized line of the Napanee, Tamworth and Quebec Railway Company, namely, of the first

10 miles northward from the town of Napanee, and that the inspection shows the said portion to have been completed in accordance with the terms of the specification approved by Order in Council on the 21st instant, and attached to the agreement made with the company on the 31st instant, the work being a fair average of the whole work undertaken between Napanee and Tamworth.

The Minister, upon the advice of the Chief Engineer of the Government, recommends that an authority be given for the payment to the company of the subsidy contemplated by the Act 46 Vic., chap. 25, namely, three thousand two hundred dollars (\$3,200) a mile for 10 miles now completed, or a total of \$32,000 (thirty-two thousand dollars).

The Committee advise that authority be granted as recommended.

JOHN J. McGEE.

Hon. the Minister of Railways and Canals.

OTTAWA, 23rd July, 1884.

SIR,—In accordance with instructions, I examined, under the provisions of the 39th section of the Consolidated Railway Act, 1879, that portion of the Napanee Tamworth and Quebec Railway between the Grand Trunk Railway station at the town of Napanee and the village of Tamworth, a distance of  $28\frac{1}{2}$  miles;

And now beg to report that the sharpest curve on the line, as constructed,  $6^\circ$ , or 955 feet radius, of which there are two, the others being of greater radii, the curve connecting this line with the Grand Trunk Railway is, however,  $8\frac{1}{2}^\circ$ , or 675 feet radius. The steepest gradient is  $87\frac{1}{2}$  feet per mile. The embankments are 10 feet wide at formation, and the cuttings 20 feet.

The culverts under embankments are of the box form, principally built of dressed stone, but a few are of cement masonry. The open culverts, cattle guards and cattle passes are generally of pine timber, with a few of dry masonry.

There are seven small bridges of 20 feet span, with timber abutments, which are well and substantially constructed.

The public road crossings are all on the level, at which the signs and guards have been erected, with the exception of two streets in the village of Newburg, where the guards have not yet been put in.

The line is fenced throughout with wire, attached to cedar posts, 16 feet apart.

The permanent way is of steel rails, 56 lbs. per yard, with angle fish-plates, cedar, tamarac and hemlock ties placed at eight spaces of 22 inches between centres.

The line is ballasted to an average depth of 8 inches under the ties, continuous from Napanee to the 15th mile, thence to the 24th mile; it is only partially ballasted at the several road crossings and bridge and culvert approaches, and from the 24th to  $28\frac{1}{2}$  mile, the end of Tamworth, the ballast is again continuous. There is a large force engaged in the work of ballasting, which will probably be completed throughout early next month.

The station buildings have, with two or three exceptions, been completed, and are ample and commodious, with sufficient sidings at each. The Haggis system of water supply has been adopted.

On the completed portion, about 20 miles, the track is in very good condition for a train speed of 25 miles per hour. On the unballasted posts the track is in very fair state, but over these the trains should be restricted to a speed not exceeding 10 miles per hour until thoroughly finished.

I am, Sir, your obedient servant,

THOMAS RIDOUT.

T. TRUDEAU, Esq., Secretary Railway Committee of the Hon. the Privy Council.

CANADIAN GOVERNMENT RAILWAYS,  
OFFICE OF THE CHIEF ENGINEER AND GENERAL MANAGER,

OTTAWA, 23rd July, 1884.

SIR,—I have the honor to report that, under instructions, Mr. Ridout inspected on the 22nd instant, the Napanee, Tamworth and Quebec Railway, extending from



the Grand Trunk Railway station, in the town of Napanee, to the village of Tamworth, a distance of  $28\frac{1}{2}$  miles, and states that this portion of the railway has been completed, with the exception of about 8 miles of ballasting, in accordance with the specification approved by the Governor in Council on the 21st December, 1883, and embodied in an agreement made by the company with the Government.

Mr. Ridout also states that there is a large force engaged in ballasting, and that it is expected that the same will be completed within a few weeks.

I enclose all papers herewith.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER, *Chief Engineer and General Manager,*

*Per L. R. J.*

OTTAWA, 24th July, 1884.

MEMORANDUM.—The undersigned has the honor to represent that under date the 23rd instant an inspection has been made by the proper officer of the Department of the whole of the portion of the Napanee, Tamworth and Quebec Railway subsidized by the Dominion Government under the Act 46 Vic., chap. 25, namely between Napanee and Tamworth.

That the report sent in shows that the railway has been completed so as to admit of the running of trains.

That under an Order in Council of the 1st January last—

The subsidy for the first 10 miles has been paid, namely.....\$32,000

Leaving the subsidy for 18 miles, or..... 57,600

Still available in completion of the whole subsidy.....\$89,600

The undersigned recommends that authority be given for the payment to this company of \$57,600.

Respectfully submitted.

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 28th July, 1884.

On a memorandum dated 24th July, 1884, from the Acting Minister of Railways and Canals, representing that an official inspection has been made of the whole of the portion of the Napanee, Tamworth and Quebec Railway subsidized by the Dominion Government under the Act 46 Vic., chap. 25, namely, between Napanee and Tamworth, and that the railway has been completed so as to admit of the running of trains ;

The Minister further represents that under an Order in Council of the 1st January, 1884 —

The subsidy for the first 10 miles was paid, namely.....\$32,000

Leaving the subsidy for 18 miles, or..... 57,600

Still available in completion of the whole subsidy.....\$89,600

The Minister recommends that authority be given for the payment to the company of \$57,600 (fifty-seven thousand six hundred dollars).

The Committee advise that authority be granted accordingly.

JOHN J. MCGEE.

Hon. the Minister of Railways and Canals.

## PONTIAC PACIFIC JUNCTION RAILWAY.

CANADIAN GOVERNMENT RAILWAYS,  
OFFICE OF THE CHIEF ENGINEER AND GENERAL MANAGER,  
OTTAWA, 27th January, 1885.

SIR,—I have the honor to report that the first two sections of the Pontiac Pacific Railway have been inspected, and are reported to be completed and in fair running condition, and that the company have earned the subsidy on these two sections, as follow, viz:—

Section No. 1.....	\$26,500
Section No. 2.....	19,600
	<hr/>
	\$46,100

The total amount of subsidy granted to this road is \$272,000, the length of the road being about 84 or 85 miles.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER.

A. P. BRADLEY, Secretary Department Railways and Canals, Ottawa.

OTTAWA, 22nd January, 1885.

MEMORANDUM.—The undersigned has the honor to represent that under date the 12th ultimo, authority was given, by an Order in Council, for entering into contract with the Pontiac Pacific Junction Railway Company for the construction of their subsidized line between Hull or Aylmer and Pembroke, such contract to be in the form thereby approved, and that, under date the 22nd of December, 1884, the said contract was duly signed.

That in dealing with this matter it was found necessary that provision should be made for the payment of certain outstanding indebtedness for laborers' wages, &c., being for work done on the said subsidized line, and, from evidence furnished to the Department, it was found that the sum of \$28,000 would be sufficient to cover such indebtedness; accordingly, the following clause was inserted in the contract accepted by the company, namely:—"It is hereby specially agreed that out of the subsidy payable on the first two 10 mile sections there shall be retained in the hands of the Government of Canada a sum of twenty-eight thousand dollars (\$28,000), to pay the established liabilities in connection with the construction of this road, prior to the passing of the Act granting the subsidy aforementioned."

That the subsidy for this line is \$3,200 a mile, not exceeding \$272,000, payable by instalments, on the completion of each section of the railway of not less than 10 miles, proportionate to the value of the portion so completed in comparison with that of the whole work undertaken. Under date the 21st instant the Government Chief Engineer has reported, stating that he is now engaged in the work of establishing the proportionate value of each 10-mile section, and that although the apportionment is not yet completed, he has sufficient information to enable him to say that the amount of the subsidy on the first two sections out of Aylmer, which are now completed, will considerably exceed the sum of \$28,000, to be retained as above stated. Considering it important that no further delay should occur in the payment of the back wages, &c., he advises that, pending the issue of his certificate for the whole subsidy payable for these two sections, a sum of \$28,000 be drawn on accordingly.

The undersigned, concurring in this view, recommends that authority be given accordingly, it being understood that the money will be applied to the payment of the liabilities in question.

Respectfully submitted.

J. H. POPE, *Acting Minister Railways and Canals.*



*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 24th January, 1885.*

On a memorandum dated 22nd January, 1885, from the Acting Minister of Railways and Canals, submitting that under date the 12th ultimo, authority was given by an Order in Council for entry into contract with the Pontiac Pacific Junction Railway Company for the construction of their subsidized line between Hull or Aylmer and Pembroke, such contract to be in the form thereby approved, and that under date the 22nd of December, 1884, the said contract was duly signed.

The Minister represents that in dealing with this matter it was found necessary that provision should be made for the payment of certain outstanding indebtedness for laborers' wages, &c., &c., being for work done on the said subsidized line, and from evidence furnished it was found that the sum of \$20,000 would be sufficient to cover such indebtedness; accordingly, the following clause was inserted in the contract accepted by the company, namely:—

"It is hereby specially agreed that out of the subsidy payable on the first two 10-mile sections there shall be retained in the hands of the Government of Canada a sum of twenty-eight thousand dollars (\$28,000) to pay the established liabilities in connection with the construction of this road prior to the passing of the Act granting the subsidy aforementioned."

The Minister further represents that the subsidy for this line is \$3,200 a mile, not exceeding \$272,000, payable by instalments, on the completion of each section of the railway of not less than 10 miles, proportionate to the value of the portion so completed in comparison with that of the whole work undertaken, and under date the 21st instant, the Government Chief Engineer has reported, stating that he is now engaged in the work of establishing the proportionate value of each 10-mile section, and that although the apportionment is not yet completed, he has sufficient information to enable him to say that the amount of the subsidy on the first two sections out of Aylmer, which are now completed, will considerably exceed the sum of \$28,000, to be retained as above stated. Considering it is important that no further delay should occur in the payment of the back wages, &c., &c., he, the Minister, advises that, pending the issue of his certificate for the whole subsidy payable for these two sections, the sum of \$28,000 be drawn on account.

The Minister, concurring in this view, recommends that authority be given accordingly, it being understood that the money will be applied to the payment of the liabilities in question.

The Committee advise that the requisite authority be granted accordingly.

JOHN. J. McGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals, Ottawa.

CANADIAN GOVERNMENT RAILWAYS,  
OFFICE OF THE CHIEF ENGINEER AND GENERAL MANAGER,  
OTTAWA, 27th January, 1885.

SIR,—I have the honor to report the apportionment of the subsidy for the Pontiac Pacific Railway, according to returns made to me by the engineer-in-charge for the company, and which, by the profile, appears to be approximately correct, to be as follows, viz.:—

Section No. 1.....	\$26,500
do. 2.....	19,600
do. 3.....	29,900
do. 4.....	26,600
do. 5.....	31,300
do. 6.....	23,900
do. 7.....	80,100
do. 8.....	23,400
do. 9.....	10,700
	<hr/>
	\$272,000

Which sum represents the total subsidy, the total length of the road being about 84 or 85 miles.

I have the honor to be, Sir, your obedient servant,  
COLLINGWOOD SCHREIBER.

A. P. BRADLEY, Esq., Secretary Railways and Canals, Ottawa.

DEPARTMENT RAILWAYS AND CANALS, OTTAWA, 30th January, 1885.

MEMORANDUM.—The undersigned has the honor to represent that, under date the 22nd instant, the Government Chief Engineer of Railways has reported relative to the progress made on the subsidized line of the Pontiac Pacific Junction Railway Company between Aylmer and Pembroke, this report showing that these have now been inspected and reported to be completed and in fair running condition, the first two 10-mile sections of the road starting from Aylmer, and that the amount of the subsidy accordingly earned by the company is as follows:—

Section No. 1.....	\$26,500
do. 2.....	19,600
	<hr/> \$46,100

Of this sum the payment has already been authorized by a recent Order in Council of.....	28,000
	<hr/>

Leaving the balance.....	\$18,100
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The undersigned recommends that authority be given for the payment to the company of the said balance.

Respectfully submitted.

J. H. POPE, *Acting Minister Railways and Canals.*

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 3rd February, 1885.*

On a memorandum dated the 30th January, 1885, from the Acting Minister of Railways and Canals, representing that under date the 27th instant the Government Chief Engineer of Railways has reported relative to the progress made on the subsidized line of the Pontiac Pacific Junction Railway Company between Aylmer and Pembroke, showing that there have now been inspected and reported to be completed and in fair running condition the first two 10-mile sections of the road starting from Aylmer, and that the amount of the subsidy accordingly earned by the company is as follows:—

Section No. 1.....	\$26,500 00
do. 2.....	19,600 00
	<hr/> \$46,100 00

That of this sum there has already been paid .....	28,000 00
	<hr/>

Leaving the balance now payable.....	\$18,100 00
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The Minister recommends that authority be given for the payment to the company of the said balance.

The Committee advise that the requisite authority be granted accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

#### CARAQUET RAILWAY.

GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE CHIEF ENGINEER, OTTAWA, 26th January, 1885.

SIR,—I have the honor to report that the first 10-mile sections of the Caraquet Railway (from the junction with the Intercolonial Railway, near Bathurst) has been



inspected, and is reported to be in fair running condition, being complete, excepting that the grade at three points and for short distances is not in accordance with the requirements of the contract. The cost of rectifying this will be a few hundred dollars only, and the president has given assurance that the terms of contract in this respect shall be complied with as soon as the spring season opens. Under these circumstances I consider that the subsidy of \$3,200 per mile may be regarded as earned by the company.

I have the honor to be, Sir, your obedient servant.

COLLINGWOOD SCHREIBER, *Chief Engineer and General Manager.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals.

OTTAWA, 26th January, 1885.

MEMORANDUM.—The undersigned has the honor to represent that under the authority of an Order in Council dated the 16th ultimo, a contract has been made under date the 20th instant, with the Caragnet Railway Company, covering the two portions of their road for which subsidies have been granted by the Acts 46 Vic., chap. 25, and 47 Vic., chap. 8, namely, between Bathurst to Caragnet and between Caragnet and Shippegan Harbor, N.B., the amount being \$3,200 a mile, or a total for the whole distance of \$192,000.

That under date the 26th instant the Government Chief Engineer has reported to the effect that an inspection has been made of the first ten (10) miles (from the junction of the road with the Intercolonial Railway near Bathurst), and that the same is reported to be in fair running condition, being complete, excepting that the grades at three points and for short distances are not in accordance with the requirements of the contract. The cost of rectifying these grades will, he states, be a few hundred dollars only, and that the president has given assurance that the terms of the contract in this respect will be complied with as soon as the spring season opens. The Chief Engineer considers that the subsidy of \$3,200 a mile may be regarded as earned by the company.

The undersigned concurs in this view, and recommends that authority be given for the payment to the Company of the full amount of the subsidy for this section, namely, \$32,000.

Respectfully submitted.

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 28th January, 1885.

On a memorandum dated 26th January, 1885, from the Acting Minister of Railways and Canals, representing that by an Order in Council dated 16th ultimo, authority was granted to enter into a contract with the Caragnet Railway Company, which was executed on the 20th January instant, covering the two portions of their road for which subsidies have been granted by the Acts 46 Vic., chap. 25, and 47 Vic., chap. 8, namely, between Bathurst and Caragnet, and between Caragnet and Shippegan Harbor, N.B., the amount being \$3,200 a mile, or a total for the whole distance of \$192,000;

The Minister represents that the Chief Engineer, under date the 26th January, instant, reported to the effect that an inspection has been made of the first 10 miles (from the junction of the road with the Intercolonial Railway, near Bathurst) and that the same is reported to be in fair running condition, being complete, excepting that the grades at three points and for short distances are not in accordance with the requirements of the contract. The cost of rectifying these grades will, he states, be a few hundred dollars only, and that the president has given assurance that the terms of the contract in this respect will be complied with as soon as the spring season opens. The Chief Engineer considers that the subsidy of \$3,200 a mile may be regarded as earned by the company.

The Minister, concurring in this view, recommends that authority be given for the payment to the company of the full amount of the subsidy for this section, namely, \$32,000.

The Committee advise that the requisite authority be granted accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

STATEMENT of Payments on account of Subsidy to the several Railway Companies, as noted.

1883.	<i>International Railway Company.</i>	\$ cts.	\$ cts.
Aug. 11...	.....	92,800 00	
Dec. 31...	.....	51,200 00	144,000 00
	<i>Quebec and Lake St. John Railway Company.</i>		
Nov. 16...	.....		32,000 00
1884.	<i>Napanee, Tamworth and Quebec Railway Company.</i>		
Jan. 2...	.....	32,000 00	
July 30...	.....	57,600 00	89,600 00
1885.	<i>Pontiac Pacific Junction Railway Company.</i>		
Feb. 2...	.....	28,000 00	
do 7...	.....	18,100 00	46,100 00
	<i>Caraquet Railway Company.</i>		
do 2...	.....		32,000 00

J. BAINE, *Accountant.*

DEPARTMENT RAILWAYS AND CANALS, 19th February, 1885.



## RETURN

(100a)

To an ORDER of the HOUSE OF COMMONS, dated the 12th March, 1885 ;—

For a copy of form of tender for Indian Supplies in the North-West, for the year 1884 ; (2) copies of all tenders received by the Government for such supplies in 1884 ; (3) the action or decision of the Government on such tenders and the reasons therefor ; (4) copies of all contracts made by the Government with parties whose tenders have been accepted ; (5) all correspondence with the Government respecting all tenders and contracts.

By command.

J. A. CHAPLEAU,

Department of the Secretary of State,  
Ottawa, 28th April, 1885.

*Secretary of State.*

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### NOTICE.

Sealed tenders, addressed to the undersigned, and endorsed "Tender for Indian Supplies," will be received at this office up to noon of Thursday, 1st May, 1884, for the delivery of the usual Indian supplies, duty paid, in Manitoba and the North-West Territories, consisting of flour, bacon, groceries, ammunition, twine, oxen, cows, bulls, agricultural implements, tools, &c.

Forms of tender and full particulars relative to the supplies required can be had by applying to the undersigned, or to the Commissioner of Indian Affairs at Regina, or to the Indian Office, Winnipeg.

Parties may tender for each description of goods separately, or for all the goods called for in the schedules.

Each tender must be accompanied by an accepted cheque of a Canadian bank for at least five per cent. of the amount of the tenders for Manitoba, and ten per cent. of the amount of the tenders for the North-West Territories, which will be forfeited if the party tendering declines to enter into a contract when called upon to do so, or if he fails to complete the work contracted for. If the tender be not accepted the cheque will be returned.

Tenderers are required to make up and attach to their tender the total money value of the goods they offer to supply or their tender will not be entertained.

The tender for beef must be a separate tender ; if it includes any other article it will not be considered.

Flour must be delivered in sacks, branded legibly, "Strong Bakers'," "100 pounds." Name of manufacturer.

The lowest or any tender not necessarily accepted.

L. VANKOUGHNET,

*Deputy Superintendent-General of Indian Affairs.*

DEPARTMENT OF INDIAN AFFAIRS, OTTAWA, 19th March, 1884.

## FORM OF TENDER FOR TREATIES Nos. 1, 2, 3, 4, 5, 6 AND 7.

## TREATY No. 1.

	St. Peter.		Fort Alexander.		Broken-head R., Heathen.		Broken-head R., Christian.		Rosseau River.		Long Plain.		Swan Lake.		Sandy Bay.		REMARKS. Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.	
Flour....lbs.	11300	.....	4000	.....	2100	.....	700	.....	4700	.....	1200	.....	1700	.....	2000	.....	Fresh ground, equal to Strong Bakers' Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be unbleached cotton, the outer one a gunny.
Bacon....	2800	.....	1000	.....	550	.....	150	.....	1150	.....	300	.....	450	.....	500	.....	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea.....	352	.....	125	.....	67	.....	22	.....	146	.....	37	.....	54	.....	62	.....	Congou, equal to samples.
Tobacco. "	176	.....	62	.....	33	.....	11	.....	73	.....	19	.....	27	.....	31	.....	do
Powder and shot.	.....	129 90	.....	46 05	.....	24 60	.....	8 60	.....	54 30	.....	12 90	.....	20 30	.....	23 95	F.F.F. quality. Shot Nos. 3 and 4. 3 lbs. of shot for 1 lb. of powder.
Twine, white	.....	194 80	.....	69 10	.....	36 90	.....	12 00	.....	81 50	.....	19 35	.....	30 40	.....	15 95	Gilling twine—fine, and in large balls.
*Cross	2	.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	"John Deere" G.P. 11, "Highlander," 12-inch complete cross-plough, with 2 extra points, wrench and additional large clevis for attaching double trees.
ploughs (complete)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Equal to sample, first quality, solid backs, short, with straps from heel one foot towards point to strengthen blade.
Scythes.....	.....	.....	10	.....	5	.....	.....	.....	6	.....	6	.....	12	.....	.....	.....	Best quality.
Snaiths.....	.....	.....	10	.....	5	.....	.....	.....	6	.....	6	.....	12	.....	.....	.....	Best quality, strong and heavy steel.
Spades.....	.....	.....	10	.....	5	.....	.....	.....	6	.....	6	.....	12	.....	.....	.....	Best cast steel; heavy and equal to sample in Winnipeg Indian Office.
Grub hoes...	.....	.....	10	.....	4	.....	.....	.....	6	.....	6	.....	12	.....	.....	.....	Double steel and handled, 34 lb. chopping, American pattern; the steel to be inserted into the iron of the axe; handles second growth timber.
Axes .....	.....	.....	30	.....	4	.....	.....	.....	6	.....	6	.....	12	.....	.....	.....	Best quality.
Sickles.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	According to specification on page No. 31.
Tool chests.	.....	.....	30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Dates of delivery .....	July 4, 1884.	.....	July 14, '84.	.....	July 9, '84.	.....	July 9, '84.	.....	July 4, '84.	.....	July 10, '84.	.....	July 15, '84.	.....	July 22, '84.	.....	

NOTE.—The two following agreements, with the note about the agricultural implement, are not re-inserted in any of the subsequent similar Forms of tender following hereafter



The undersigned hereby agree with the Superintendent-General of Indian Affairs to deliver the above-mentioned quantities of supplies to his agent or agents at the places, for the rates, and on the dates as specified above, and of the quality and character as specified under the heading Remarks, and do further agree to furnish in addition, if required, on the 15th October, 1884, at the same places, additional supplies in any quantities required, of same description and quality and at same rates, not exceeding the quantities mentioned above, provided notice of such requirement be given prior to the 15th July, 1884, and will execute a formal contract in pursuance hereof.

100a—11

We hereby agree to become sureties for the due fulfilment of the above, and will execute a contract to that effect when called upon by the Superintendent-General of Indian Affairs to do so.

\* No agricultural implement will be received in parts. They must be set up and delivered by Contractors in a condition fit for immediate use.

## FORM OF TENDER.

## TREATY No. 2.

	Lake Manitoba.		Ebb and Flow Lake.		Grane River.		Water Hen River.		Fairford.		Lake St. Martin.		Little Saskatchewan.		REMARKS. Description of Goods.
	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	
Flour.....	1300	.....	1400	.....	400	.....	1000	.....	1800	.....	500	.....	800	.....	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon.....	35	.....	300	.....	100	.....	25	.....	450	.....	100	.....	200	.....	New and sound, short clear or long clear, smoked, and in sacks, weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea.....	41	.....	42	.....	.....	.....	33	.....	56	.....	16	.....	23	.....	do
Tobacco.....	20	.....	21	.....	7	.....	16	.....	28	.....	8	.....	12	.....	do
Powder and shot.....	.....	7 30	.....	7 70	.....	2 35	.....	5 65	.....	10 10	.....	2 85	.....	.....	Shot Nos. 3 and 4. 3 lbs. of shot for 1 lb. of powder.
Twine, white.....	.....	29 35	.....	30 20	.....	9 30	.....	22 55	.....	40 40	.....	11 40	.....	16 80	Gilling, fine and in large balls.
Hand grist-mill.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	Best quality, large, and to be satisfactory to Indian Inspector at Winnipeg.
Ox harness.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Borbridge's pattern, complete with collars, &c.
Cross ploughs (complete).....	.....	.....	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	"John Deere" G.P. 11, "Highlander" 12-inch complete cross-plough, with 2 extra points, wrench and additional large clevis for attaching double trees.
*Harrow.....	.....	.....	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	Collard's flexible complete 3 in. steel bales and teeth, 4 sections, 10 teeth each, connected by hinges, weighing 180 lbs., cut 8 feet wide.
Cross-cut saws.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	Like samples in Winnipeg Office; sharpened and set.
Whip saw.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	do
Sickles.....	.....	.....	.....	.....	.....	.....	6	.....	12	.....	.....	.....	.....	.....	Best quality.
Grindstones.....	.....	.....	.....	.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	Nova Scotia or Ohio sandstone, 24 to 3 in. thick, weighing 40 to 50 lbs.
Cross-cut saw files.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	.....	.....	Stubbs.
Whip-saw files.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	.....	.....	do
Dates of delivery.....	July 7, 1884.	.....	July 11, 1884.	.....	July 28, '84.	.....	Aug 1, '84.	.....	July 17, '84.	.....	July 19, '84.	.....	July 22, '84.	.....	.....



## DESCRIPTION AND CONTENTS OF TOOL CHEST—1884-85.

Chest to be in size not less than 34 inches long, 18 inches deep, by 20 inches wide, fitted up with trays and two drawers, strap hinges of best quality, strong handles and good lock, put together with screws, to be well made and extra strong, painted.

## CONTENTS.

- |   |    |                                  |
|---|----|----------------------------------|
| 1 Hand saw 26 in.,  | }  | Spiers' and Jackson's.           |
| 1 Rip saw 28 in.,   |    |                                  |
| 1 Panel saw,  |    |                                  |
| 1 Jack plane, ordinary, C.S. irons, with start.   |    |                                  |
| 1 Fore plane  | do | do                               |
| 1 Block plane   | do | do                               |
| 1 Smooth plane  | do | do                               |
| 1 Set $1\frac{1}{2}$ in match planes.   |    |                                  |
| 1 Set moveable sash planes.   |    |                                  |
| 1 Steel square, 24 by 18, divided into 8ths.  |    |                                  |
| 1 Try square.   |    |                                  |
| 1 Bevel square.   |    |                                  |
| 1 Set augers, one 1 in., one $1\frac{1}{2}$ in., one $1\frac{1}{2}$ in., short convex eye, cast steel, cut bright.                                      |    |                                  |
| 1 Drawing knife, extra quality, solid C.S., 13 inches.  |    |                                  |
| 1 House carpenter's adze, handled, best cast steel and large size.  |    |                                  |
| 1 Solid steel claw-hammer, Canada pattern.  |    |                                  |
| 12 House carpenter's chisels (socket firmer) with ringed handles and "socket cast steel handles," from one quarter of an inch, assorted sizes, upwards. |    |                                  |
| 1 House carpenter's set gouges.   |    |                                  |
| 12 Framing chisels, rocket cast steel handles, assorted sizes, best quality.  |    |                                  |
| 1 Spoke shave.  |    |                                  |
| 16 Brace bits,  | }  | Of the best quality and pattern. |
| 2 Gimlet bits,  |    |                                  |
| 1 Brace,  |    |                                  |
| 1 Cast steel bench axe, weighing 4 lbs., handled, best quality.   |    |                                  |
| 1 Oil stone.  |    |                                  |
| 1 Oil can (bench) to contain $\frac{1}{2}$ pint.  |    |                                  |
| 1 Pliers.   |    |                                  |
| 1 Cast steel compass or dividers.   |    |                                  |
| 1 Wooden carpenter's bench screw.   |    |                                  |
| 1 Pencil, carpenter's.  |    |                                  |
| 1 Two-foot rule, 4 fold, arch joint.  |    |                                  |
| 1 Scratch awl.  |    |                                  |
| 12 Hand saw files, Stubbs' taper, 6 in.   |    |                                  |
| 1 Saw set.  |    |                                  |
| 1 Spirit level, 30 inches.  |    |                                  |
| 1 Mortice gauge.  |    |                                  |
| 1 Monkey wrench, 12 inches.   |    |                                  |
| 2 Cold chisels, all steel, 9 inches long, one $\frac{1}{2}$ in., one $\frac{3}{4}$ inch.  |    |                                  |
| 1 Punch (nail) 6 inches.  |    |                                  |

Where the quality of the tools are not given, it is understood they are all to be of the best makers, quality and pattern.

NOTE.—Agents are forbidden to sign a receipt for any tool chest delivered under contract until each article has been removed from the chest, compared with the above specification, and found to be correct.

## DESCRIPTION OF THE CHATHAM WAGGON.

Tracks 4 feet 8 inches. Wheels made of best and thoroughly seasoned white oak. Boxing of hubs pressed in by a patent process, which effectually prevents boxes

getting loose, as they are sure to do when wedged in. Tire  $2\frac{1}{2}$  inches. Arms superior to any made in Canada, in that they receive at the shoulder  $\frac{3}{4}$  of an inch more wood than any other arm made in Canada, and being adapted to receive and will receive the climax truss rod applied by the Chatham Manufacturing Company only to their waggons, rendering the otherwise strongest axle practically unbreakable. The axles are of the best and most thoroughly seasoned hickory and hard maple. Front hames one solid piece of bent white oak. Tongues of the best of white ash. Reaches of the best rock elm. It is better ironed in all respects than almost any waggon made, constituting it not only the strongest, but the easiest running waggon made. Lower box 10 feet and 13 inches high; top edge iron bound. Bottom of box of best tongued and grooved ash. Upper box 8 inches high, one spring seat, the opening of which is the best Armstrong make. Trees and neck yoke well ironed, second growth white ash. Each waggon is furnished with a pair eveners chains. Every waggon guaranteed for one year. Double trees of the best timber, also neck yoke, which must be 4 feet long. The whole to be of the best wood and iron throughout. Good workmanship and finish, and to be complete and perfect in every particular part.

### FURNITURE FOR COOKING STOVES.

Cooking stoves shall be of the make and pattern specified. The following parts shall be duplicated:—

- Fire back.
- Fire bricks.
- Front centre for top.
- Two extra lids.
- Cover oven top with plaster Paris.

### DESCRIPTION OF STOVE FURNITURE.

- 1 Boiler (suitable for size of stove) 18 oz. tinned copper, bottom D x tin.
- 1 Kettle do do do do 12 inches high handles, copper riveted.
- 1 Set ground hollow ware, consisting of
  - 1 Straight pot,
  - 1 Belly pot,
  - 1 Spider,
  - 1 Steamer, D x tin,
 } To fit number of stove.
- 1 Coffee pot, 2 gallons, } D x tin.
- 1 Tea pot, 3 gallons, }
- 1 Collender, 12-inch D x tin.
- 2 Russian iron bake pans, 22 x 14—26-inch gauge iron.
- 2 Dippers, quart, long handle, 1 x tin.
- 2 3 quart round pans, 1 C tin.
- 6 Pie plates, 1 C tin.

The above description relates more particularly to the "St. Nicholas" to be supplied the industrial schools, but the furniture for the "Pacific" must be made of the quality of stock named above.

### COPIES OF TENDERS ACCEPTED AND UNACCEPTED—No. 1 ACCEPTED.

*Telegram from Montreal to Superintendent-General of Indian Affairs.*

OTTAWA, 1st May, 1884.

We will deliver at Blood River reserve fifteen miles of two-barb wire fencing, at thirty-eight dollars forty cents per mile of one wire. Sample by mail. Ten per cent. at telegraph office.

J. Y. GILMOUR & CO.



MONTREAL, 7th May, 1884.

DEAR SIR,—Referring to the enclosed letter from one Mr. Ay. G., we hand you our accepted cheque for \$231, covering 10 per cent. on 15 miles of 4-wires. We make it for this amount in case 4-wires should be the quantity required, and to prevent the tender being thrown out for insufficient deposit.

The cheque we telegraphed last week has been returned to us.

Yours, &amp;c.,

J. Y. GILMOUR &amp; CO.,

per HOWELL.

T. P. WADSWORTH, Esq.

## No. 2 "A" ACCEPTED IN PART.

OTTAWA, 1st May, 1884.

SIR,—We have the honor to hand you herewith our tender for supplies for treaty four, six and seven, and attach cheque on Bank Montreal for 10 per cent. on same.

Very respectfully,

I. G. BAKER &amp; CO.

L. VANKOUGHNET, Esq.,

Deputy Supt.-General of Indian Affairs, Ottawa.

## TREATY No. 4—INDIAN HEAD.

Articles.	Price.	Amount.	Total.
<i>Provisions for Destitute Indians.</i>			
	\$ cts.	\$ cts.	\$ cts.
365,000 lbs. flour (3,650 sacks), per sack.....	3 30	12,045 00	
120,000 do bacon.....	0 16	19,200 00	
			31,245 00
<i>Payment Provisions.</i>			
32,090 lbs. flour (320 sacks), per sack.....	3 30	1,056 00	
4,000 do bacon.....	0 16	640 00	
1,000 do tea.....	0 36	360 00	
1,000 do sugar.....	0 14½	145 00	
500 do tobacco.....	0 45	225 00	
			2,426 00
<i>Farm Supplies.</i>			
10,400 lbs. flour (104 sacks), per sack.....	3 30	343 20	
6,935 do bacon.....	0 16	1,109 60	
312 do rice.....	0 09	28 08	
260 do tea.....	0 36	93 60	
1,400 do sugar.....	0 14½	203 00	
50 do hops.....	0 38	19 00	
20 do ground pepper.....	0 28	5 60	
4 gross matches.....	0 65	2 60	
60 gallons coal oil.....	0 75	45 00	
15 do machine oil.....	1 50	22 50	
700 lbs. syrup (50 gallons).....	0 10	70 00	
300 do apples.....	0 20	60 00	
			2,902 08

## TREATY No. 4—INDIAN HEAD—Continued.

Articles.	Price.	Amount.	Total.
	\$ cts.	\$ cts.	\$ cts.
<i>Ammunition and Twine.</i>			
800 lbs. powder.....	0 32	256 00	
3,000 do shot.....	0 10	300 00	
200 do ball.....	0 11	22 00	
50 do No. 5 twine.....	0 43	21 50	
50 do 9 do.....	0 38	19 00	
100 do 2 do.....	0 48	48 00	
20 do snaring wire.....	0 40	8 00	
			674 50
<i>Harness.</i>			
12 halter bridles.....	1 25	21 00	
12 horse blankets.....	5 00	60 00	
20 set ox cart harness.....	16 25	325 00	
			406 00
<i>Agricultural Implements.</i>			
100 pairs trace chains.....	0 70	70 00	
12 chains for ox yokes.....	3 00	36 00	
48 hay forks.....	0 60	28 80	
20 sets harrows.....	26 00	520 00	
300 hoes.....	0 40	120 00	
20 lbs. split.....	0 20	4 00	
1 mowing machine.....		100 00	
50 cross ploughs.....	27 50	1,375 00	
1 reaping machine.....		150 00	
48 scythes.....	0 90	43 20	
96 snaiths.....	0 75	72 00	
96 scythe stones.....	0 05	4 80	
12 grain cradles.....	3 75	45 00	
72 sickles.....	0 30	21 60	
2 cooking stoves.....	45 00	90 00	
50 lengths stovepipe.....	0 20	10 00	
10 elbows.....	0 30	3 00	
50 set whiffletrees (double trees).....	6 00	300 00	
3 waggons.....	95 00	285 00	
10 carts.....	45 00	450 00	
1 horse rake.....	40 00	40 00	
			3,768 40
<i>Tools.</i>			
120 axes.....	1 35	162 00	
48 boxes axle grease.....	0 40	19 20	
12 pick axes.....	0 80	9 60	
40 $\frac{1}{2}$ -in. augers.....	0 55	22 00	
40 1 do.....	0 65	26 00	
40 $1\frac{1}{2}$ do.....	0 85	34 00	
60 6-in. hand saw files.....	0 24	14 40	
60 12-in. cross cut do.....	0 45	27 00	
60 6-in. pit saw do.....	0 25	15 00	
60 12-in. rough do.....	0 60	24 00	
8 boxes 8 x 10 glass.....	4 25	34 00	
2,000 fish hooks.....	0 01	20 00	
400 lbs. $2\frac{1}{2}$ in. cut nails.....	0 07	28 00	
400 do 3 do.....	0 07	28 00	
200 do 4 do.....	0 07	14 00	
100 do rope, $\frac{1}{2}$ cotton.....	0 30	30 00	
200 do do $\frac{1}{4}$ manilla.....	0 18	36 00	
50 do putty.....	0 06	3 00	
			546 20



TREATY No. 4—INDIAN HEAD—*Continued.*

Articles.	Price.	Amount.	Total.
<i>Industrial Schools.</i>	\$ cts.	\$ cts.	\$ cts.
50 pairs brogans .....	1 25	62 50	
35 fur caps.....	1 50	52 50	
50 comforters.....	0 48	24 00	
35 hats .....	1 15	40 25	
100 pairs woollen mitts .....	0 40	40 00	
140 do do socks .....	0 40	56 00	
70 do shoe packs.....	1 25	87 50	
70 flannel shirts.....	0 50	35 00	
70 pairs flannel undershirts and drawers.....	0 50	35 00	
6 gross trowser buttons.....	0 50	3 00	
3 do shirt do .....	0 25	0 75	
70 pairs grey blankets .....	8 50	595 00	
18 do dark blue blankets .....	8 50	153 00	
100 yards grey cotton .....	0 10	10 00	
300 do brown duck .....	0 18	54 00	
20 do duffle .....	2 00	40 00	
200 do grey flannel.....	0 32	64 00	
300 do full cloth.....	0 65	195 00	
200 do linen.....	0 22	44 00	
1,000 needles (for) .....		1 50	
6 dozen pocket handkerchiefs.....	1 80	9 00	
300 yards striped shirting .....	0 14	42 00	
300 do grey cotton sheeting.....	0 23	69 00	
225 do towelling .....	0 11	24 75	
50 do do (tea).....	0 15	7 50	
1 gross tape.....	1 25	1 25	
2 do linen thread (spool).....	1 20	2 40	
200 yards ticking.....	0 24	48 00	
36 hair brushes.....	0 75	27 00	
4 dozen cups and saucers .....	6 25	25 00	
3 do combs .....	1 20	3 60	
3 do do fine.....	0 60	1 80	
6 flesh forks.....	0 15	0 90	
4 dozen knives and forks.....	1 75	7 00	
6 carvers and steels .....	1 50	9 00	
6 butcher knives .....	1 00	6 00	
6 bracket lamps.....	1 75	7 50	
6 stand do .....	1 75	7 50	
12 lamp chimneys .....	0 25	3 00	
54 do wicks.....	0 02	1 08	
2 stable lanterns .....	1 25	2 50	
14 looking glasses.....	0 70	8 40	
4 meat dishes .....	0 75	3 00	
12 mop sticks .....	0 20	2 40	
2 oval dish pans.....	1 80	3 60	
6 oil cans.....	0 40	2 40	
4 dozen dinner plates .....	0 35	16 80	
4 do soup do .....	0 40	19 20	
1 cooking stove .....		73 00	
4 box stoves (36 in. Log Cabin).....	18 50	74 00	
2 porridge pots.....	1 70	3 40	
100 lengths stovepipe.....	0 20	20 00	
20 elbows .....	0 30	6 00	
3 dozen scrubbing brushes .....	2 25	6 75	
4 do table spoons.....	3 00	12 00	
4 do tea do .....	1 75	7 00	
12 basting spoons .....	0 12½	1 50	
12 vegetable dishes.....	1 75	21 00	
12 wash tubs.....	1 25	15 00	
12 do boards.....	0 20	2 40	
12 do basins.....	0 40	4 80	
24 water pails .....	0 45	2 80	
4 soup ladles.....	0 15	0 60	

2,204.83

TREATY No. 4—INDIAN HEAD—*Concluded.*

Articles.	Price.	Amount.	Total.
<i>Industrial Schools—Concluded.</i>	\$ cts.	\$ cts.	\$ cts.
18,200 lbs. flour (182 sacks), per sack .....	3 30	600 60	
1,000 do bacon .....	0 16	160 00	
300 do tea .....	0 37	111 00	
550 do sugar .....	0 14	77 00	
500 do do brown .....	0 12½	62 50	
75 do baking powder .....	0 46	34 50	
1 barrel salt .....		10 00	
950 lbs. apples .....	0 19	180 50	
960 do rice .....	0 08	76 80	
1,000 do syrup (125 galls.) .....	0 09	90 00	
4,000 do oatmeal .....	0 06½	260 00	
8 gross matches .....	0 65	5 20	
5 lbs. pepper .....	0 28	1 40	
600 do soap .....	0 09	54 00	
100 do hops .....	0 38	38 00	
			1,761 50
			45,034 50

## TREATY No. 4—BIRTLE.

15,000 lbs. flour (150 sacks), per sack .....	4 00	600 00	
2,500 do bacon .....	0 18	450 00	
<i>Payment Provisions.</i>			1,050 00
11,200 lbs. flour (112 sacks), per sack .....	4 00	448 00	
1,400 do bacon .....	0 18	252 00	
350 do tea .....	0 37½	131 25	
350 do sugar .....	0 16	56 00	
175 do tobacco .....	0 46	70 50	
<i>Ammunition and Twine.</i>			957 75
200 lbs. powder F P P .....	0 40	80 00	
600 do No. 4 shot .....	0 11	66 00	
40 do No. 5 Holland twine .....	0 44	17 60	
40 do No. 9 do .....	0 38	15 20	
80 do No. 2 do .....	0 48	38 40	
<i>Agricultural Implements.</i>			217 20
20 pairs trace chains .....	0 75	15 00	
10 chains for ox yokes .....	3 30	33 00	
24 hay forks .....	0 65	15 60	
2 fanning mills .....	45 00	90 00	
5 grindstones .....	3 00	15 00	
4 setts harrows .....	27 50	110 00	
36 hoes .....	0 42	15 12	
20 lbs. split links .....	0 21	2 20	
3 breaking ploughs .....	33 00	99 00	
48 scythes .....	0 92	44 16	
24 snaiths .....	0 76	18 24	
4 grain cradles, complete .....	4 00	16 00	
10 clevises .....	0 50	5 00	
36 boxes axle grease .....	0 45	16 20	
60 1-in. augers .....	0 70	42 00	
12 6-in. pit saw files .....	0 27	3 24	
6 boxes 8 × 10 glass .....	4 50	27 00	
500 fish hooks .....	0 01	5 00	



## TREATY No. 4—BIRTLE—Concluded.

Articles.	Price.	Amount.	Total.
	\$ cts.	\$ cts.	\$ cts.
<i>Agricultural Implements—Concluded.</i>			
200 lbs. 3-in. cut nails.....	0 08	16 00	
40 do 3-in. manilla rope.....	0 20	8 00	
15 do putty.....	0 06	0 90	
12 monkey wrenches.....	0 75	9 00	
1 brace and bits.....	6 00	6 00	
			61 66
			2,836 61

## TREATY No. 6—EDMONTON.

<i>Agricultural Implements.</i>			
10 chains for ox yokes.....	3 75	37 50	
48 hay forks.....	0 75	36 00	
4 fanning mills.....	65 00	260 00	
6 grindstones.....	4 00	24 00	
96 hoes.....	0 65	62 40	
20 lbs. split links.....	0 30	6 00	
10 breaking ploughs.....	45 00	450 00	
10 cross ploughs.....	40 00	400 00	
12 shovels.....	1 00	12 00	
24 spades.....	1 00	24 00	
48 scythes.....	1 00	48 00	
48 snaths.....	0 75	36 00	
48 scythe stones.....	0 09	4 32	
12 grain cradles.....	4 00	48 00	
12 setts whiffletrees and doubletrees.....	6 50	78 00	
			1,526 22
<i>Tools.</i>			
72 axes.....	1 75	126 00	
24 boxes axle grease.....	0 50	12 00	
24 12-in. crosscut saw files.....	0 50	12 00	
24 6-in. pit do.....	0 30	7 20	
3 boxes 8 x 10 glass.....	6 00	18 00	
12 hammers.....	0 60	7 20	
200 lbs. 2½-in. cut nails.....	0 10	20 00	
200 do 3-in. do.....	0 09½	19 50	
300 do shingle nails.....	0 10½	31 50	
100 do 2½-in. wrought nails.....	0 12	12 00	
100 do ½ cotton rope.....	0 32	32 00	
100 do 3-in. manilla rope.....	0 20	20 00	
50 do putty.....	0 08½	4 25	
12 hammers.....	1 25	15 00	
1 tool chest.....	60 00	60 00	
			396 65
<i>Provisions for Payments.</i>			
9,600 lbs. flour (96 sacks), per sack.....	7 50	720 00	
2,400 do bacon.....	0 20	480 00	
300 do tea.....	0 42	126 00	
300 do sugar.....	0 18	54 00	
150 do tobacco.....	0 48	72 00	
			1,452 00
<i>Provisions for Destitute Indians.</i>			
10,000 lbs. flour (100 sacks), per sack.....	7 50	750 00	
800 do bacon.....	0 20	160 00	
			910 00

TREATY NO. 6—EDMONTON—*Concluded.*

Articles.	Price.	Amount.	Total.
<i>Farm Supplies.</i>	\$ cts.	\$ cts.	\$ cts.
5,400 lbs. flour (54 sacks) per sack .....	7 50	405 00	
3,650 do bacon .....	0 20	730 00	
300 do oatmeal .....	0 11	55 00	
200 do tea .....	0 42	100 80	
700 do sugar .....	0 18	126 00	
240 do rice .....	0 15	36 00	
20 do baking powder .....	0 53	10 60	
10 do ground pepper .....	0 32	3 20	
1 barrel salt .....		22 00	
20 lbs. soap .....	0 14	16 80	
6 gross matches .....	0 80	4 80	
30 gallons coal oil .....	1 20	36 00	
10 do machine oil .....	2 25	22 50	
280 lbs. syrup (20 gallons) .....	0 15	42 00	
30 do hops .....	0 43	12 90	
150 do apples .....	0 22	33 00	
200 do beans .....	0 12½	25 00	
<i>Ammunition and Twine.</i>			1,681 60
600 lbs. powder .....	0 50	300 00	
1,200 do shot .....	0 15	180 00	
400 do ball .....	0 17	68 00	
1,000 gun flints .....		5 00	
300 lbs. No. 2 twine .....	0 52	126 00	
100 do No. 5 do .....	0 46	46 00	
75 do No. 9 do .....	0 43	32 25	
20 cod lines .....	1 75	35 00	
10 lbs. snaring wire .....	0 45	4 50	
<i>Supplies for Indian Day Schools.</i>			243 75
1,500 lbs. biscuit (hard tack) .....	0 15	225 00	
			225 00
			6,988 22

## TREATY NO. 7—FORT McLEOD.

<i>Farm Supplies.</i>			
8,640 lbs. flour (86.40 sacks) per sack .....	5 25	453 60	
200 do bacon .....	0 17	204 00	
800 do oatmeal .....	0 08	64 00	
384 do tea .....	0 40	153 60	
1,100 do sugar .....	0 15½	173 25	
384 do rice .....	0 12	46 08	
200 do apples .....	0 16½	33 00	
32 do baking powder .....	0 50	16 00	
10 do ground pepper .....	0 29	2 90	
1 barrel salt .....		15 00	
192 lbs. soap .....	0 11	21 12	
5 gross matches .....	0 70	3 50	
25 gallons coal oil .....	0 95	23 75	
7½ do machine oil .....	1 75	13 13	
448 lbs. syrup .....	0 12	53 76	
50 do hops .....	0 40	20 00	
			1,296 69



TREATY No. 7—FORT McLEOD—*Concluded.*

Articles.	Price.	Amount.	Total.
	\$ cts.	\$ cts.	\$ cts.
<i>Agricultural Implements.</i>			
1 fanning mill.....	0 50	50 00	
6 grindstones.....	3 00	18 00	
100 hoes.....	0 55	55 00	
100 lbs. plough line.....	0 30	30 00	
100 scythe stones.....	0 07	7 00	
2 cooking stoves.....	45 00	90 00	
75 lengths stovepipe.....	0 35	26 25	
2 tents.....	30 00	60 00	
5 waggons.....	125 00	625 00	
5 miles barbed fence wire, 5,475 lbs.....	0 12½	684 37	
			1,645 62
<i>Tools.</i>			
200 axes.....	1 60	320 00	
200 axe handles.....	0 35	70 00	
144 boxes axle grease.....	0 25	64 80	
2 do glass, 8 x 10.....	5 00	10 00	
500 lbs. 2½-inch nails.....	8 00	40 00	
500 do 3 do.....	8 00	40 00	
200 do 4 do.....	8 00	16 00	
			560 80
<i>Supplies for Indian Day Schools.</i>			
4,500 lbs. biscuit (hard tack).....	0 12	540 00	
			540 00
			4,043 11

## TREATY No. 7—PIEGAN RESERVATION.

<i>Provisions.</i>			
225 lbs. tea.....	0 41	91 25	
250 do sugar.....	0 16½	41 25	
113 do tobacco.....	0 47	53 11	
			186 61
<i>Provisions for Destitute Indians.</i>			
97,800 lbs. flour.....	5 11	5,820 75	
41,062 do bacon.....	0 19	7,801 78	
500 do tea.....	0 41	205 00	
300 do tobacco.....	0 47	141 00	
			13,968 53
			14,155 14

## TREATY No. 7—BLOOD RESERVATION.

Articles.	Price.	Amount.	Total.
<i>Provisions.</i>	\$ cts.	\$ cts.	\$ c
650 lbs. tea.....	0 41	266 50	
650 do sugar.....	0 16½	107 25	
325 do tobacco.....	0 47	152 75	
<i>Provisions for Destitute Indians.</i>			526
195,000 lbs. flour (1,950 sacks), per sack.....	5 97	11,641 50	
118,624 do bacon.....	0 19	22,538 56	
1,000 do tea.....	0 41	410 00	
500 do tobacco.....	0 47	235 00	
			34,825
			35,351

## TREATY No. 7—MORLEYVILLE.

<i>Provisions.</i>			
4,800 lbs. flour (48 sacks), per sack.....	4 25	204 00	
2,400 do beef.....	0 17	408 00	
150 do tea.....	0 38½	57 75	
150 do sugar.....	0 15	22 50	
75 do tobacco.....	0 46	34 50	
			726

## TREATY No. 7—CALGARY, OR SARCEE RESERVATION.

<i>Provisions.</i>			
112 lbs. tea.....	0 38	42 56	
100 do sugar.....	0 14½	14 50	
56 do tobacco.....	0 45	25 20	
<i>Provisions for Destitute Indians.</i>			82
40,000 lbs. flour (400 sacks), per sack.....	3 85	1,540 00	
20,531 do bacon.....	0 16	3,284 96	
300 do tea.....	0 38	114 00	
150 do tobacco.....	0 45	67 50	
			5,006
			5,088

## TREATY NO. 7.—BLACKFOOT CROSSING.

<i>Provisions.</i>			
550 lbs. tea.....	0 38	209 00	
550 do sugar.....	0 14½	79 75	
275 do tobacco.....	0 45	113 75	
			402



## TREATY No. 7—BLACKFOOT CROSSING—Continued.

Articles.		Price.	Amount.	Total.
		\$ cts.	\$ cts.	\$ cts.
<i>Farm Supplies.</i>				
8,640 lbs.	flour (86·40 sacks), per sack .....	3 97	343 00	
1,200 do	bacon .....	0 17	204 60	
800 do	oatmeal .....	0 07	56 00	
384 do	tea .....	0 38	145 92	
1,100 do	sugar .....	0 14½	159 50	
384 do	rice .....	0 09	34 56	
200 do	apples .....	0 15	30 00	
32 do	baking powder .....	0 47	15 04	
10 do	ground pepper .....	0 28	2 80	
1 barrel	salt .....		13 00	
192 lbs.	soap .....	0 10	19 20	
5 gross	matches .....	0 65	3 25	
25 gallons	coal oil .....	0 80	20 00	
7½ do	machine oil .....	1 50	11 25	
448 lbs.	syrup (32 gallons) .....	0 10	44 80	
50 do	hops .....	0 38	19 00	
				1,121 92
<i>Provisions for Destitute Indians.</i>				
195,000 lbs.	flour (1,950 sacks), per sack .....	3 07	7,741 50	
100,374 do	bacon .....	0 17	17,063 58	
1,000 do	tea .....	0 38	380 00	
500 do	tobacco .....	0 45	245 00	
				25,430 08
<i>Industrial Schools.</i>				
50 pairs	brogans .....	1 25	62 50	
35 fur	caps .....	1 50	32 50	
50	comforters .....	0 50	25 00	
35	hats .....	1 25	43 75	
100 pairs	wool mitts .....	0 46	45 00	
140 do	do socks .....	0 40	56 00	
70 shoe	packs .....	1 25	87 50	
*No. 8 & 9	{ 70 flannel undershirts .....	0 50	35 00	
	{ 70 pairs flannel drawers .....	0 50	35 00	
6 gross	trouser buttons .....	0 50	3 00	
3 do	shirt do .....	0 25	0 75	
70 pairs	grey blankets .....	8 75	612 50	
18 do	blue do .....	8 75	157 50	
100 yards	grey cotton .....	0 10	10 00	
300 do	brown duck .....	0 18	54 00	
20 do	duffle .....	2 25	45 00	
200 do	grey flannel .....	0 32	64 00	
300 do	full cloth .....	0 65	195 00	
200 do	linen .....	0 22	44 00	
1,000	needles .....		1 10	
6	pocket handkerchiefs .....	1 50	9 00	
300 yards	striped shirting .....	0 14	42 00	
300 do	grey cotton .....	0 25	75 00	
225 do	towelling .....	0 11	24 75	
50 do	tea cloth towelling .....	0 16	8 00	
1 gross	tape .....		1 30	
2 do	linen thread (spools) .....	1 25	2 50	
300 yards	ticking .....	0 24	48 00	
36	hair brushes .....	0 75	27 00	
4 dozen	cups and saucers .....	6 50	26 00	
3 do	combs .....	1 75	3 75	
3 do	do fine .....	0 65	1 80	
6	flesh forks .....	0 15	0 90	
4 dozen	knives and forks .....	1 75	7 00	
6	carvers and steel .....	1 50	9 00	

\* No. 8—Youth's wool undershirts, \$11.00 per dozen (English).

\* No. 9 do do \$14.00 do do

TREATY NO. 7.—BLACKFOOT CROSSING—*Concluded.*

Articles.	Price.	Amount.	Total.
<i>Industrial Schools.</i>			
	\$ cts.	\$ cts.	\$ c
6 butcher knives .....	1 00	6 00	
6 bracket lamps .....	1 25	7 50	
6 stand do .....	1 50	9 00	
12 lamp chimneys .....	0 25	3 00	
54 do wicks .....	0 02	1 08	
2 stable lanterns .....	1 25	2 50	
12 looking glasses .....	0 75	9 00	
4 meat dishes .....	0 75	3 00	
12 mop sticks .....	0 20	2 40	
2 oval dish pans .....	1 80	3 60	
6 oil cans .....	0 40	2 40	
4 dozen dinner plates .....	0 35	16 80	
4 do soup do .....	0 40	19 20	
2 porridge pots .....	1 70	3 40	
4 soup ladles .....	0 15	0 60	
1 cooking stove .....		75 00	
4 box stoves (36-inch Log Cabin) .....	20 00	80 00	
100 links stove .....	0 30	30 00	
20 elbows .....	0 40	8 00	
3 dozen scrubbing brushes .....	2 50	7 50	
4 do table spoons .....	3 00	12 00	
4 do tea do .....	1 75	7 00	
12 basting do .....	0 12½	1 50	
12 vegetable dishes .....	1 75	21 00	
12 wash tubs .....	1 75	15 00	
12 do basins .....	0 40	4 80	
24 water pails .....	0 50	12 00	
12 wash boards .....	0 25	3 00	
			2,281 7
18,200 lbs. flour (182 sacks), per sack .....	3 97	722 54	
1,000 do bacon .....	0 17	170 00	
300 do tea .....	0 38	114 00	
583 do sugar .....	0 14½	79 75	
550 do do brown .....	0 13	71 50	
75 do baking powder .....	0 47	35 25	
1 box salt .....		13 00	
950 lbs. apples .....	0 20	190 00	
960 do rice .....	0 09	86 40	
1,000 do syrup (25 galls.) .....	0 10	100 00	
4,000 do oatmeal .....	0 07	280 00	
8 gross matches .....	0 65	5 20	
5 lbs. ground pepper .....	0 28	1 40	
600 do soap .....	0 10	60 00	
100 do hops .....	0 38	38 00	
			1,964 0
<i>Supplies for Industrial Schools.</i>			
1,500 lbs. biscuit, hard tack .....	0 11		165 0
			31,368 2



## RECAPITULATION.

	\$ cts.	\$ cts.
<i>Treaty No. 4—</i>		
Indian Head.....	45,034 51	
Birtle.....	2,836 61	47,871 12
<i>Treaty No. 6—</i>		
Edmonton.....	6,988 22	6,988 22
<i>Treaty No. 7—</i>		
Fort Macleod.....	4,043 11	
Piegan Reservation.....	14,155 14	
Blood do.....	35,351 56	
Morleyville.....	726 75	
Sarcee Reservation.....	5,088 62	
Blackfoot Crossing.....	31,368 32	90,733 50
Total.....		145,592 84

I. G. BAKER &amp; CO.

OTTAWA, 1st May, 1884.

## TREATY No. 4—QU'APPELLE DISTRICT.

## PROVISIONS FOR DESTITUTE INDIANS.

	Birtle. In Government Storehouse.		Indian Head. In Government Storehouse.		Remarks. — Description of Goods.
	Quantity.	Rate.	Quantity.	Rate.	
	Lbs.	\$ cts.		\$ cts.	
Flour (per sack) .....	15,000	4 00	*365,000	3 40	Fresh ground, equal to Strong Bakers Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon .....	2,500	0 18	†120,000	0 16	New and sound, short clear and long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Dates of delivery..	1st Aug., 1884.		As per foot note.		

## PAYMENT PROVISIONS.

Flour (per sack).....	11,000	4 00	32,000	3 40	Fresh ground, equal to Strong Bakers Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon .....	1,400	0 18	4,000	0 16	New and sound, short clear and long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea .....	350	0 37½	1,000	0 36	Congou—equal to samples.
Sugar .....	350	0 16	1,000	0 14½	Canada Sugar Refining Co.—“Palm Lump.”
Tobacco.....	175	0 40	500	0 45	Equal to sample.

The undersigned hereby agree with the Superintendent-General of Indian Affairs to deliver the above mentioned quantities of supplies to his agent or agents at the places, for the rates, and on the dates as specified above, and of the quality and character as specified under the heading of Remarks, and do further agree to furnish in addition, if required, on the 15th October, 1884, at the same places, additional supplies in any quantities required, of same description and quality and at same rates, not exceeding the quantities mentioned above, provided notice of such requirement be given prior to the 15th July, 1884, and will execute a formal contract in pursuance thereof.

I. G. BAKER &amp; Co.

We hereby agree to become sureties for the due fulfilment of the above, and will execute a contract to that effect when called upon by the Superintendent-General of Indian Affairs to do so.

W. T. COSTIGAN.

J. WILSON.

\* Flour to be delivered as follows:—Indian Head.

On 1st August, 1884, 1,200 sacks.

On 1st October, 1884, 1,200 do

On 1st December, 1884, 1,200 do

For which last, if required, notice will be given on 1st October, 1884.

† Bacon to be delivered as follows:—Indian Head.

On 1st August, 1884, 20,000 lbs. of new crop bacon.

On 1st November, 1884, 50,000 do

On 1st March, 1884, 50,000 do

For which last, if required, notice will be given on 1st October, 1884.



## TREATY No. 4—QU'APPELLE DISTRICT—Continued.

## FARM SUPPLIES.

	Birtle. In Government Storehouse.		Indian Head. In Government Storehouse.		Remarks. — Description of Goods.
	Quantity.	Rate.	Quantity.	Rate.	
Flour (per sack)-lbs. ....			10,400	\$ cts. 3 40	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks containing 100 lbs. of flour. The inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon..... " .....			6,935	0 16	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Rice..... " .....			342	0 09	Carolina—equal to sample.
Tea (4 $\frac{1}{2}$ chests, each about 65 lbs net)..... " .....			260	0 36	Congou—equal to sample.
Sugar..... " .....			1,400	0 14 $\frac{1}{2}$	"Paris Lump," in 50-lb. boxes, Canada Sugar Refinery.
Pepper, ground..... " .....			50	0 38	Of best quality, in $\frac{1}{4}$ -lb. packages.
Pepper, ground..... " .....			20	0 28	Black, first quality, in $\frac{1}{4}$ -lb. tins.
Pepper, ground..... " .....			4	0 65	Eddy's "No. 1."
Coal oil..... lbs. ....			475 <sup>200</sup>		Water white, in 5-gal. cans, boxed, and on axles.
Machine oil..... lbs. ....			120	0 75	Black, best quality, in 5-gal. cans, boxed, and on axles.
Machine oil..... lbs. ....			15	1 50	Canada Sugar Refinery, "V. B.," in 2-gal. cans.
Glycerine..... lbs. ....			700		Best quality, evaporated, in 50-lb. boxes, machine cut, not punched.
Glycerine..... lbs. ....			50		
Apples..... " .....			300	0 20	
Date of delivery.....			1st August, 1884.		

## AMMUNITION AND TWINE.

Powder..... lbs. ....	200	0 40	800	0 32	F. F. F.
Shot..... " .....	600	0 11	3,000	0 10	No. 4.
Ball..... " .....			200	0 11	Trade ball.
Twine (No. 5..... " .....	40	0 44	50	0 43	Seine twine, )
Twine (No. 9..... " .....	40	0 38	50	0 38	do )
Twine (Gilling No. 2..... " .....	80	0 48	100	0 48	do )
Twine (brass)..... " .....			20	0 40	
Dates of delivery.....	1st August, 1884.		1st August, 1884.		

NOTE.—Whenever it is practicable, the sugar and tobacco should be delivered in unbroken and original packages, the former in half chests, even when a slight difference in weight may occur from this cause.

## TREATY No. 6 AND PART OF TREATY No. 4—Continued.

## HARNESSES.

—	Birtle. In Government Storehouse.		Indian Head. In Government Storehouse.		Edmonton. In Government Storehouse.		Remarks. Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	
		\$ cts.		\$ cts.		\$ cts.	
Ox cart harness..sets.	.....	.....	20	16 25	.....	.....	Without collars but with tugs, 2 inch tug pins.
Halter bridle.....	.....	.....	12	1 75	.....	.....	London sheets, 6 feet by 6 feet shaped, strapped across chest and long straps and buckle in side rear part of belly.
Horse blankets.....	.....	.....	12	5 00	.....	.....	

## AGRICULTURAL IMPLEMENTS.

Chains (trace) prs. of	20	0 75	100	0 70	.....	.....	Long trace chains, half twist links, 7 feet long, weighing lbs. each pair.
Chains for ox yokes.	10	3 30	12	3 00	10	3 75	$\frac{1}{2}$ logging chains with grab and round hooks, 14 feet long.
Forks, hay .....	24	0 65	48	0 60	48	0 75	Equal to sample and 3 tines.
Fanning mills .....	2	45 00	.....	.....	4	65 00	Dingles' Oshawa machine.
Grindstones .....	5	3 00	.....	.....	6	4 00	Nova Scotia or Ohio sandstone $2\frac{1}{2}$ to 3 inches thick, 45 to lbs. weight.
Harrows... ..sets	4	27 50	20	26 00	.....	.....	Collard's flexible complete, $\frac{3}{4}$ -in steel bales and teeth; 4 section 10 teeth each, connected hinges; weighing 180 lbs., 8 feet wide.
Hoes .....	36	0 42	300	0 40	96	0 65	Planter's hoe, like the sample.
Links, split for mending trace chains, lbs. ....	20	0 21	20	0 20	20	0 30	
Mowing machine.....	.....	.....	1	100 00	.....	.....	"Toronto" mower, renewal parts duplicated.
Plough, breaking ...	3	33 60	.....	.....	10	45 00	John Deere, "Prairie Queen" plough, 12-in. complete break rolling coulter, two extra point wrench and additional lat clevis for attaching doubletree
do cross .....	.....	.....	50	27 50	10	40 00	"John Deere" G. P. 11, "Hilander" 12-in. complete cross plough with two extra point wrench and additional lat clevis for attaching doubletree
Rakes, horse.....	.....	.....	1	40 00	.....	.....	Sulky horse rake—self-discharging, manufactured by the Massey Manufacturing Co., Toronto renewal parts duplicated.
Reaping machines ...	.....	.....	1	150 00	.....	.....	Of the latest pattern, manufactured by the Massey Manufacturing Co., Toronto, self-rake renewal parts duplicated.
Shovels.....	.....	.....	.....	.....	12	1 00	Equal to sample, } Special attention must be paid by contractor deliver spade and shovel of strongest heavy steel.
Spades .....	.....	.....	.....	.....	24	1 00	Best steel.



TREATY No. 6 AND PART OF TREATY No. 4—*Continued.*AGRICULTURAL IMPLEMENTS—*Concluded.*

	Birtle. In Government Storehouse.		Indian Head. In Government Storehouse.		Edmonton. In Government Storehouse.		Remarks.  Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	
cythes .....	48	\$ cts. 0 92	48	\$ cts. 0 90	48	\$ cts. 1 00	Equal to sample, all to be first quality, solid backs, short, with straps from heel 1 foot towards point to strengthen it.
naiths .....	24	0 76	96	0 75	48	0 75	Equal to sample.
cythe stones .....			96	0 05	48	0 09	Indian Pond.
radles, grain with scythes, complete.	4	4 00	12	3 75	12	4 00	Half Muley, like sample.
ickles .....			72	0 30			Equal to sample.
stoves, cooking .....			2	45 00			"Pacific" No. 9, square, made by Clendenning, Montreal, with usual stove furniture, of good quality. See specification on back.
stovepipes .....			50	20 00			7-inch, not riveted, but rivets to accompany.
stove elbows .....			10	30 00			7-inch.
Whiffletrees and doubletrees, sets.			50	6 00	12	6 50	With additional large clevis for doubletree; each set to be attached together and of the usual size and strength for 3½ skein wagons.
Vagons .....			3	95 00			Well ironed, 3½ skein. The Chatham wagon, with doubletrees and neck yoke; complete in every respect.
levises .....	10	0 50					Wrought iron, and suitable for attaching doubletrees to ploughs.
arts .....			10	45 00			Red River hay cart with strong oak wheels, tired and bushed; iron bands on hubs; oak axle without iron; long shafts for oxen, and square axle.
Dates of delivery.	Aug. 1, 1884.		Aug. 1, 1884.		Aug. 15, 1884.		

## TOOLS.

axes — double steel and handled.			120	1 35	72	1 75	3½-lb. chopping axes, American pattern, double steel; handled. The steel to be inserted into the iron of the axe. Handles second growth hickory.
axe grease.....bxs.	36	0 45	48	0 40	24	0 50	Butler's.
axes, pick .....			12	0 80			Equal to sample. Weight 8 lbs.
augers .....			40	0 55			¾-inch, best quality, blue short eye.
do .....	60	0 70	40	0 65			1 do do
do .....			40	0 85			1½ do do
files, hand saw .....			60	0 24			"Stubb's," 6-inch.
do cross-cut .....			60	0 45	24	0 50	do 12 do
do pit or whip .....	12	0 27	60	0 25	24	0 30	do 6 do
do rough or bas- tard.			60	0 40			12-inch.
lass .....	6	4 50	8	4 25	3	6 00	8 by 10 size.
hammers .....					12	0 60	Steel claw, equal to sample.
hooks, fish .....	500	0 01	2000	0 01			Cod hooks, medium to large, with eye; ½ to be extra large and slightly twisted. Those for Birtle to be extra large.
nails, cut .....	lbs.		400	0 07	200	0 10	2½-inch.
do .....	200	0 08	400	0 07	200	0 09½	3 do
do .....			200	0 07			4 do
nails, shingle .....					300	0 10½	
do wrought .....					100	0 12	2½-inch wrought nails.

TREATY No. 6 AND PART OF TREATY No. 4—*Concluded.*TOOLS—*Concluded.*

	Birtle. In Government Storehouse.		Indian Head. In Government Storehouse.		Edmonton. In Government Storehouse.		Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	
		\$ cts.		\$ cts.		\$ cts.	
Rope..... lbs.			100	0 30	100	0 32	$\frac{1}{2}$ -inch cotton, suitable for plough lines.
do ..... "	40	0 20	200	0 18	100	0 20	$\frac{3}{4}$ -inch manilla.
Putty..... "	15	0 06	50	0 06	50	0 08 $\frac{1}{2}$	
Saws, hand.....					12	1 25	Sharpened and set. Equal to sample.
Wrenches (monkey)	12	0 75					12-inch, best quality.
Tool chests .....					1	60 00	See description, page 29.
Brace and bits .....	1	6 00					Best make and pattern, with 16 bits and 2 gimlet bits.
Dates of delivery...	Aug. 1, 1884.		Aug. 1, 1884.		Aug. 15, 1884.		

## TREATY No. 6.

## PROVISIONS.

Flour.....					9600	0 07 $\frac{1}{2}$	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon.....					2400	0 20	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea .....					300	0 42	Congou, equal to samples.
Sugar .....					300	0 18	Canada Sugar Refinery, "Paris Lump," in 50-lb. boxes.
Tobacco.....					150	0 48	Equal to sample.
Date of delivery ...					Aug. 15, 1884.		

## PROVISIONS FOR DESTITUTE INDIANS.

Flour ..... lbs.					10000	7 50	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon..... "					8000	0 20	New and sound, short clear and long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Date of delivery ...					Aug. 15, 1884.		



TREATY No. 6—*Concluded.*

## FARM SUPPLIES.

	Edmonton. In Government Storehouse.		Remarks. — Description of Goods.
	Quantity.	Rate.	
		\$ cts.	
Flour..... lbs.	5,400	7 50	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon .....	3,650	0 20	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Oatmeal..... "	500	0 11	Kiln dried, first quality.
Tea .....	240	0 42	Congou, equal to sample.
Sugar..... "	70	0 18	Canada Sugar Refinery, Paris lump, in 50-lb. boxes.
Rice .....	240	0 15	Carolina, as per sample.
Baking powder..... "	20	0 53	Of the best quality, in $\frac{3}{4}$ -lb. tins.
Pepper, ground..... "	10	0 32	Black, first quality, in $\frac{1}{2}$ -lb. tins.
Salt..... bbls.	1	22 00	Fine Liverpool or equal.
Soap..... lbs.	120	0 14	English yellow.
Matches..... gross.	8	0 80	Eddy's No. 1.
Coal oil..... lbs.	137 <sup>20</sup> / <sub>100</sub>		Water white, in 5-gallon cans, boxed, and on axles.
or Imperial gals.....	30	1 20	
Machine oil..... lbs.	80		Best quality, in 5-gallon cans, boxed, and on axles.
or Imperial gals.....	10	2 25	
Syrup..... lbs.	280	0 15	Canada Sugar Refinery, "V.B.," in 2-gallon cans.
or Imperial gals.....	200		
Hops..... lbs.	30	0 43	Of the best quality, in $\frac{1}{2}$ -lb. packages.
Apples..... "	150	0 22	Best quality, evaporated, in 50-lb. boxes, machine cut, not punched.
Beans.....	200	0 12 $\frac{1}{2}$	Best quality white bean.
Date of delivery.....	Aug. 15, 1884.		

## AMMUNITION AND TWINE.

Powder.....	600	0 50	F.F.F.
Shot .....	1,200	0 15	B.B.
Ball .....	400	0 17	Trade ball.
Gun flints.....	1,000	5 00	Half for fine and half for common flintlock guns.
Twine, { No. 2 .....	300	0 52	} Seine twine, Holland.
{ No. 5 .....	100	0 46	
{ No. 9 .....	75	0 43	
Cod lines, single .....	20	1 75	Saint Pauls.
Snaring wire, brass .....	10	0 45	
Date of delivery.....	Aug. 1, 1884.		

# ANNUITY PAYMENT—TREATY No. 7. PROVISIONS.

	Blood Reservation, Belly River. In Government Storehouse.		Piegan Reservation. In Government Storehouse.		Blackfoot Crossing. In Government Storehouse.		Morleyville. In Government Storehouse.		Calgary, or Sarcee Reservation. In Government Storehouse.		Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	
	Lbs.	Cts.	Lbs.	Cts.	Lbs.	Cts.	Lbs.	\$ cts.	Lbs.	Cts.	
Flour . . . . .	.....	.....	.....	.....	.....	.....	4,800	4 25	.....	.....	
Beef . . . . .	.....	.....	.....	.....	.....	.....	2,400	0 17	.....	.....	
Tea . . . . .	650	41	225	41	550	38	150	0 38½	112	38	Fresh ground, equal to "Strong Bakers'"—Toronto inspection— in double sacks, containing 100 lbs. of flour. The inner sack to be of strong unbleached cotton, the outer a gunny sack. To be killed and delivered at any point or points upon the reser- vations, or adjacent thereto, designated by the agents, in quarters, net on the block, not less than one animal at a time, the meat to be well butchered and of good quality; hides, heads, tongues, hearts, livers, paunches and intestines to be the property of the Government. Congou—equal to sample. Canada Sugar Refining Company, "Paris Lump," in 50-lb. boxes. Equal to sample.
Sugar . . . . .	650	16½	250	16½	550	14½	150	0 15	100	14½	
Tobacco . . . . .	325	47	113	47	275	45	75	0 46	56	45	
Dates of delivery.	July 1, 1884.		July 1, 1884.		July 1, 1884.		See note.		July 1, 1884.		

NOTE.—To be delivered when required, of which one month's notice will be given.



## TREATY No. 7—Continued.

## FARM SUPPLIES.

	Fort MacLeod. In Govern- ment Store- house.		Blackfoot Crossing. In Government Storehouse.		Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	
		\$ cts.		\$ cts	
Flour ..... lbs.	8,640	5 25	8,640	3 97	Fresh ground, equal to Strong Bakers'— Toronto inspection—in double sacks, con- taining 100 lbs. of flour. The inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon ..... "	1,200	0 17	1,200	0 17	New and sound, short clear or long clear, smoked and in sacks. Weight of sacks to be deducted. Tenderer to quote a price for either or both of the above qualities of bacon.
Oatmeal ..... "	800	0 08	800	0 07	Kiln dried, first quality, in barrels.
Tea ..... "	384	0 40	384	0 38	Congou—equal to sample.
Sugar ..... "	1,100	0 15 $\frac{3}{4}$	1,100	0 14 $\frac{1}{2}$	"Paria Lump" in 50-lb. boxes, "Canada Sugar Refinery."
Rice ..... "	384	0 12	384	0 09	"Carolina." Equal to sample.
Apples, evaporated... "	200	0 16 $\frac{1}{2}$	200	0 15	Evaporated, machine cut, not punched, in 50-lb. boxes.
Baking powder..... "	32	0 50	32	0 47	Best quality, in $\frac{1}{2}$ -lb. tins.
Pepper, ground ..... "	10	0 29	10	0 28	In $\frac{1}{2}$ -lb. tins. Black, first quality.
Salt ..... bbl.	1	15 00	1	13 00	"Fine Liverpool," or equal.
Soap ..... lbs.	192	0 11	192	0 10	"English yellow."
Matches ..... gro.	5	0 70	5	0 65	Eddy's "No. 1."
Coal oil ..... lbs.	195	.....	195	.....	} Water white, in 5 gall. cans, boxed and } on axles. Imperial measure. } Best quality, black, in 2-gall. cans, boxed, } and on axles. Imperial measure.
Machine oil ..... lbs.	60	.....	60	.....	
or Imp. gals.	7 $\frac{1}{2}$	1 75	7 $\frac{1}{2}$	1 50	
Syrup ..... lbs.	448	0 12	448	0 10	} Canada Sugar Refinery, "V. B.," in 2- } gall. cans. } Of the best quality, in $\frac{1}{2}$ -lb. packages.
or Imp. gals.	32	1 68	32	1 40	
Hops ..... lbs.	50	0 40	50	0 38	
Dates of delivery .....	July 1, 1884.		July 1, 1884.		

**TREATY No. 7.—Continued.**  
**PROVISIONS FOR DESTITUTE INDIANS.**

	Blood Reservation, Belly River. In Gov. Storehouse.		Piegan Reservation. In Gov. Storehouse.		Blackfoot Crossing. In Gov. Storehouse.		Sarcee Reservation. In Gov. Storehouse.		Remarks. Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	
		\$ cts.		\$ cts.		\$ cts.		\$ cts.	
Flour ....lbs.	195,000	5 97	97,500	5 97	195,000	3 97	40,000	3 85	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks containing 100 lbs. of flour, the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon.... "	118,624	0 19	41,062	0 19	100,374	0 17	20,531	0 16	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of these quantities of bacon.
Tea..... "	1,000	0 41	500	0 41	1,000	0 38	300	0 38	Oongou, equal to sample.
Tobacco. "	500	0 47	300	0 47	500	0 45	150	0 45	Equal to sample.
	July 1, 1884 ....		July 1, 1884.....		July 1, 1884.....		July 1, 1884.....		Dates of delivery for tea and tobacco.

**AGRICULTURAL IMPLEMENTS.**

	Fort Macleod in Gov. Storehouse.		Remarks. Description of Goods.
	Quantity.	Rate.	
		\$ cts.	
Fanning mills.....	1	50 00	Dingle's Oshawa machine.
Grind stones .....	6	3 00	Nova Scotia or Ohio sandstone, 2½ to 3 inches thick, 45 to 50 lbs. weight.
Hoes .....	100	0 55	Planters' hoe, like the sample.
Plough lines..... lbs.	100	0 30	⅝ cotton.
Scythe stones.....	100	0 07	Indian Pond.
Stoves, cooking. ....	2	45 00	"Pacific," made by Clendenning, Montreal, No. 9, square, with the usual stove furniture, of best quality.
Stovepipes.....lengths	75	0 35	Not riveted, 7 inches, rivets to be sent with the pipes. Stoves and pipes to be securely boxed.
Tents.....	2	30 00	9 by 9 feet, wall 4 feet high, 10-ounce duck, 18-inch grass cloth door or opening in front, to lap over inside and outside 24 inches, and fastened with harness snaps. Bag of 8-ounce duck to hold the tent. Poles and tent pegs complete, with bag to hold the pegs. Guy ropes and other ropes complete.
Waggons.....	5	125 00	3½ skein, Chatham waggon, with doubletrees and neck-yoke, complete in every respect, and made in strict accordance with the specification on the last page of this schedule.
Wire for fencing, with the necessary quantity of staples.....miles.	15	0 12½	Two-barbed wire.
Date of delivery.....	July 1, 1884.		



## TREATY No. 7—Continued.

## TOOLS.

	Fort Macleod. In Government Storehouse.		Remarks. — Description of Goods.
	Quantity.	Rate.	
Axes.....	200	\$ 1 60	3½ lb. chopping axes, American pattern, double-steel, handled. The steel is to be inserted into the iron of the axe. Handles second growth hickory.
Axe handles.....	200	0 35	Second growth hickory.
Axe grease.....	144	0 45	Butler's.
Glass.....	2	5 00	8 by 10 size.
Nails.....	500	0 08	2½-inch cut nails.
do.....	500	0 03	3 do
do.....	200	0 08	4 do
Date of delivery.....	July 1, 1884.		

## INDUSTRIAL SCHOOLS.

Description.	Blackfoot Cross- ing Indian Agency.		Indian Head. In Government Storehouse.		Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	
<i>Clothing.</i>		\$ cts.		\$ cts.	
Brogans, kip, not split leather..... pairs	50	1 25	50	1 25	Oxford tie, welt sole; 3 sample pairs of both pegged and sewed.
Caps, fur.....	35	1 50	35	1 50	Strong, durable fur; 3 samples, from \$9 to \$12 per dozen.
Comforters.....	50	0 50	50	0 48	Good quality; 3 samples, say at \$6 per dozen.
Hats.....	35	1 25	35	1 15	Grey felt, assorted sizes, from No. 6 to No. 7; 3 samples, medium quality.
Mitts, woollen..... pairs.	100	0 45	100	0 40	Assorted sizes, 5, 6, 7; 3 samples, say \$4 per dozen.
Socks do..... "	140	0 40	140	0 40	Assorted sizes, 6 to 9 inches; 3 samples, say \$4 per dozen.
Shoepacks..... "	70	1 25	70	1 25	Mocassin shape, assorted sizes, for boys from 6 to 16 years of age; 3 sample pairs required.
Underclothing— Shirts, flannel.....	70	0 50	70	0 50	Grey, Canadian manufacture, for boys from 6 to 16 years of age; 3 samples required.
Drawers, flannel...pairs.	70	0 50	70	0 50	do do do
<i>Dry Goods.</i>					
*Buttons, trouser ....gross.	6	0 50	6	0 50	Four-hole, bone.
*Buttons, shirt..... "	3	0 25	3	0 25	Porcelain.
Blankets, grey .....pairs.	70	8 75	70	8 50	†Grey Oregon, 64 x 86 inches, 8 lbs. per pair.
do dark blue... "	18	8 75	18	8 50	†Blue do do do
Cotton, unbleached.yards.	100	0 10	100	0 10	36-inch. Good quality.
Duck, brown..... "	300	0 18	300	0 18	8-ounce.
*Duffle..... "	20	2 25	20	2 00	H. B. Company's quality.
Flannel, grey..... "	200	0 32	200	0 32	Good "all wool," Canadian manufacture, 4-ounce, 26 inches in width.

† Or H. B. Company "4-point" of the required colors, or the English army hospital blanket.

TREATY No. 7—Continued.  
INDUSTRIAL SCHOOL—Continued.

Description.	Blackfoot Crossing. Indian Agency.		Indian Head. In Government Storehouse.		Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	
<i>Dry Goods—Continued.</i>		\$ cts.		\$ cts.	
Full cloth (Canada). "	300	0 65	300	0 65	Ettoffe du pays; all wool; heavy.
Linen..... "	200	0 22	200	0 22	Coarse, for straw mattresses.
*Needles.....only	1,000	1 50	1,000	1 50	Assorted, 3 to 10.
Pocket handkerchiefs doz.	6	1 50	6	1 50	Colored, fancy print, animals, &c.
Shirting, striped.....yards.	300	0 14	300	0 14	30 inches in width; good quality.
Sheeting, cotton, un-bleached..... "	300	0 25	300	0 23	2 yards wide; good quality.
Towelling..... "	225	0 11	225	0 11	Linen, 16 inches wide.
do tea..... "	50	0 16	50	0 15	do good quality.
*Tape.....gross.	1	1 30	1	1 25	Twilled; good quality.
*Thread, linen spools "	2	1 25	2	1 20	Finleyson and Bansfield's, 3-cords, 200 yards full, Nos. 40, 50 and 60.
Ticking.....	200	0 24	200	0 24	Striped cotton, 8-ounce.
<i>Miscellaneous.</i>					
Brushes (hair).....each	36	0 75	36	0 75	Good quality—medium size.
Cups and saucers.....doz.	4	6 50	4	6 25	Agate ware, "L and G."
Combs (dressing)..... "	3	1 25	3	1 20	7 inches, extra strong horn.
do (fine)..... "	3	0 60	3	0 60	Rubber, 2½ inches.
Flesh forks.....each	6	0 15	6	0 15	12 inches, tinned iron.
Knives and forks (steel) "	4	1 75	4	1 75	Iron handles. French forks.
do do (carvers and steel).....each.	6	1 50	6	1 50	Buckhorn handles—rivetted—"Joseph Rogers & Son."
Knives, butcher..... "	6	1 00	6	1 00	Best quality, 12 inches, "Joseph Rogers & Son," cocoa handles.
Lamps, bracket..... "	6	1 25	6	1 25	} "B" sunburner, flat font with filler.
do stand..... "	6	1 50	6	1 25	
do chimneys..... "	12	0 25	12	0 25	"A 1" flint for "B" sunburner.
do wicks..... "	54	0 02	54	0 02	"B" American cotton, suitable for lamps and burners above.
Lantern, stable..... "	2	1 25	2	1 25	Strong, 27 yards, wick with each, "J. H. Stone's improved."
Looking glasses..... "	12	0 75	12	0 70	10 × 14, Ewing & Cunningham's "D."
Meat or side dishes..... "	4	0 75	4	0 75	Russia iron, 26 gauge, size 18 × 14.
Mop sticks..... "	12	0 20	12	0 20	Best quality.
Oval dish pans..... "	2	1 80	2	1 80	Agate ware, 15-qt., 13 × 17 × 5½ inches.
Oil cans..... "	6	0 40	6	0 40	Best quality, quarts, for filling lamps.
Plates, dinner..... doz.	4	0 35	4	0 35	Agate ware, 9½ × 1 inch.
do soup..... "	4	0 40	4	0 40	do 9½ × 1½ inch.
Porridge pots, double, each.	2	1 70	2	1 70	One gallon inside measurement; made of "25" tin sheets.
Soup ladles..... "	4	0 15	4	0 15	Retinned, 4 inches, rivetted handles.
Stoves, cooking..... "	1	75 00	1	75 00	"St. Nicholas" for wood or coal, No. 10, fire-box 35-in.; elevated tinned copper (D x tin) reservoir 40-galls. For description of stove furniture, see p. 40.
do box..... "	4	20 00	4	18 50	Description to be submitted.
do pipes.....links.	100	0 30	100	0 20	7-inch, "pen" quality.
do elbows.....each.	20	0 40	20	0 30	7-inches.
Scrubbing brushes.....doz.	3	2 50	3	2 25	Fibre, "No. 3" size.

NOTE.—Three samples of each of the above articles, except those marked thus (\*) must accompany each tender. When it is possible, full pieces or packages will be accepted in preference to broken quantities, even when a slight discrepancy in quantity results from that circumstance.

NOTE TO TENDERERS.—The quotation of price in the column headed "Remarks" is intended simply as a guide to the "quality" of articles required, and not as a limitation of the prices at which they can be laid down at the points of delivery.



## TREATY No. 7—Continued.

## INDUSTRIAL SCHOOL—Continued.

Description.	Blackfoot Crossing. Indian Agency.		Indian Head. In Government Storehouse.		Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	
<i>Miscellaneous—Con.</i>		\$ cts.		\$ cts.	
Spoons, table..... “	4	3 00	4	3 00	“ Nevada.”
do tea..... “	4	1 75	4	1 75	do
do basting ..... each.	12	0 12½	12	0 12½	Tinned iron, strong, long handle,
Vegetable dishes..... “	12	1 75	12	1 75	Agate ware, “L and G,” 1½-in., 1½-in., 1½-in. with covers.
Wash tubs ..... “	12	1 25	12	1 25	30-inches, “Watchorn’s,” hand made.
do boards ..... “	12	0 25	12	0 20	Best quality, Eddy’s pattern.
do basins ..... “	12	0 40	12	0 40	Block tin, 14-inches, retinned.
Water pails ..... “	24	0 50	24	0 45	12-inches, galvanized iron, strong rivet- ted handles, flange on bottom.
Dates of delivery.....	1st Jul	y, 1884.	1st Jul	y, 1884.	
<i>Provisions, &amp;c.</i>					
Flour.....lbs.	18,200	3 97	18,200	3 40	Fresh ground, equal to Strong Bakers’, Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cot- ton, the outer a gunny sack.
Bacon ..... “	1,000	0 17	1,000	0 16	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted. Tenderer to quote a price for either or both of the above qualities of bacon.
Tea..... “	300	0 38	300	0 37	Congou, equal to sample.
Sugar..... “	550	0 14½	550	0 14	“ Paris Lump,” in 50-lb. boxes, Canada Sugar Refinery.
do ..... “	500	0 13	500	0 12½	Or three barrels, bright refined Musco- vado, Canada Sugar Refinery.
Baking powder..... “	75	0 47	75	0 46	Best quality, in half pound tins.
Salt..... bbl.	1	13 00	1	10 00	“ Fine Liverpool,” in small bags.
Apples.....lbs.	950	0 20	950	0 19	Evaporated, machine cut, not punched, in 50-lb. boxes.
Rice..... “	960	0 09	960	0 08	Carolina, equal to sample.
Syrup ..... “	1,000	0 10	1,000	0 09	Canada Sugar Refinery “V. B.,” equal to sample; in 5-gall. tins; each tin to yield 40 lbs. syrup.
Oatmeal..... “	4,000	0 07	4,000	0 06½	Or 20 barrels, kiln dried, first quality.
Matches ..... gross	8	0 65	8	0 65	Eddy’s “No. 1.”
Pepper.....lbs.	5	0 28	5	0 28	In ½-lb. tins, black, first quality.
Soap..... “	600	0 10	600	0 09	“ English yellow.”
Hops..... “	100	0 38	100	0 38	In ½-lb. packages, first quality.
Dates of delivery.....	* See Note.				

\* NOTE.—None of the above mentioned supplies for Blackfoot Crossing or Indian Head to be delivered by the Contractor until called for, and one month’s notice will be given.

## TREATIES Nos. 6 AND 7.

## SUPPLIES FOR INDIAN DAY SCHOOLS.

	Blackfoot Crossing. In Government Storehouse.		Fort Macleod. In Government Storehouse.		Edmonton. In Government Storehouse.		Remarks. — Description of Goods.
	Q'ty.	Rate. \$ cts	Q'ty.	Rate. \$ cts	Q'ty.	Rate. \$ cts	
Biscuits, "sea" or "hard tack".....lbs	1500	0 11	4500	0 12	1500	0 15	Of the best quality. To be of the size and shape of soda biscuits. Each biscuit of uniform weight of 1 oz. or 2 ozs., and packed in extra strong boxes of 25 lbs. each. Tare to be marked on each box. Tenderers must send in a sample of the quality they intend to supply along with their tender.
Date of delivery.	July 1, 1884.		July 1, 1884.		July 1, 1884.		

## TREATY No. 7.

## PROVISIONS FOR DESTITUTE INDIANS.

	Blood Reservation, Belly River, in Government Storehouse.		Piegan Reservation. In Government Storehouse		Blackfoot Crossing. In Government Storehouse.		Sarcee Reservation. In Government Storehouse.		Remarks. — Description of Goods.
	Q'ty.	Rate. \$ cts.	Q'ty.	Rate. \$ cts.	Q'ty.	Rate. \$ cts.	Q'ty.	Rate. \$ cts.	
Beef...lbs.	237250	0 11½	82125	0 11½	200750	0 11½	41063	0 12	To be killed and delivered in quantities as required at any point or points upon the different reservations or adjacent thereto designated by the agents. in quarters, net on the scales, in the ration houses—not less than one animal at a time; the meat to be well butchered and of good quality; hides, heads, tongues, hearts, livers, paunches and intestines to be equally with the dressed quarters the property of the Government; the Department not to be bound to accept delivery of the whole 561,188 lbs., but those figures are given as approximating to the quantity which will, probably, be required. The tenders for the supply of beef must also include a tender for the hides of all the animals killed and delivered at so much for each hide, to be removed from the custody of the Indian Department immediately after the killing.
Date of delivery...	Nov. 1, 1884.		Nov. 1, 1884.		Nov. 1, 1884.		Nov. 1, 1884.		



HUDSON BAY COMPANY'S OFFICE, WINNIPEG, 25th April, 1884.

The Superintendent General of Indian Affairs, Ottawa.

SIR,—I beg to hand you tender for Indian Supplies for the Manitoba and North-West Superintendencies, with statements showing the total money value of the goods the Hudson Bay Company offer to supply.

I also hand you cheques (2) on Bank of Montreal accepted for \$770, being five per cent. of the total value of tender for the Manitoba Superintendency, and \$15,584, being ten per cent. of the total value of tender for the North-West Territories.

I have, &c., THOMAS R. SMITH.

Summary of Hudson Bay Company's tenders for Indian Department Supplies.

Manitoba Superintendency—

Treaty No. 1, total value.....	\$3,486 40
do 2 do .....	1,410 80
do 3 do .....	5,646 33
do 5 do .....	4,845 25
	<u>\$15,388 78</u>

North-West Superintendencies—

Treaties Nos. 4 and 6, total value.....	\$81,988 85
Treaty No. 7 do .....	66,661 64
Industrial School do .....	5,437 38
Day do .....	1,747 50
	<u>\$155,835 37</u>

As stated on page 32 of tender, I would be glad to supply to the best of my ability the requirements of the Industrial Schools at cost, laid down at the Reserves, with ten per cent. commission added.

WINNIPEG, 25th April, 1884.

## TREATY

	St. Peter.		Fort Alexander.		Brokenhead R., Heathen.		Brokenhead R., Christian.		Rosseau River.	
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.
Flour..... lbs.	11,300	\$ cts. 0 02 $\frac{3}{10}$	4,000	\$ cts. 0 03 $\frac{3}{10}$	2,100	\$ cts. 0 03 $\frac{3}{10}$	700	\$ cts. 0 03 $\frac{3}{10}$	4,700	\$ cts. 0 03 $\frac{3}{10}$
Bacon..... "	2,800	0 14 $\frac{1}{2}$	1,000	0 15 $\frac{1}{2}$	550	0 15 $\frac{3}{8}$	150	0 15 $\frac{3}{8}$	1,150	0 15
Tea .....	352	0 26 $\frac{1}{10}$	125	0 26 $\frac{1}{2}$	67	0 27	22	0 27	146	0 26 $\frac{1}{2}$
Tobacco .... "	176	0 38 $\frac{3}{8}$	62	0 39	33	0 39 $\frac{1}{2}$	11	0 39 $\frac{1}{2}$	73	0 39
Powder and shot	276-828	129 90	94-282	46 05	50-150	24 60	16-48	8 00	111-333	54 30
Twine, white ...	329	194 80	116	69 10	62	36 90	20	12 00	137	81 50
*Cross-ploughs (complete).	2	24 00	1	25 00	1	25 00	.....	.....	.....	.....
Scythes .....	.....	.....	10	0 90	5	0 90	.....	.....	6	0 90
Snaiths .....	.....	.....	10	0 60	5	0 60	.....	.....	6	0 60
Spades .....	.....	.....	.....	.....	5	1 15	.....	.....	.....	.....
Grub hoes .....	.....	.....	10	0 70	4	0 70	.....	.....	6	0 70
Axes .....	.....	.....	30	1 15	4	1 15	.....	.....	6	1 15
Sickles .....	.....	.....	30	50 00	.....	.....	.....	.....	.....	.....
Tool chests .....	.....	.....	1	61 00	.....	.....	.....	.....	.....	.....
Dates of delivery	July 4, 1884.		July 14, 1884.		July 9, 1884.		July 9, 1884.		July 4, 1884.	

The undersigned hereby agree with the Superintendent-General of Indian Affairs places, for the rates, and on the dates as specified above, and of the quality and in addition, if required, on the 15th October, 1884, at the same places, additional rates, not exceeding the quantities mentioned above, provided notice of such requirement hereof.

We hereby agree to become sureties for the due fulfilment of the above, and will Indian Affairs to do so.

\*NOTE.—No agricultural implement will be received in parts; they must be set up and delivered by



No. 1.

Long Plain.		Swan Lake.		Sandy Bay.		Amount	Remarks.
Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		Description of Goods.
	\$ cts.		\$ cts.		\$ cts	\$ cts	
1,200	0 03½	1,700	0 04	2,000	0 03¾	883 47	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be unbleached cotton, the outer one a gunny.
300	0 15½	450	0 16	500	0 15½	1,045 00	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
37	0 26¾	54	0 28	62	0 27½	229 77	Congou, equal to samples.
19	0 39½	27	0 40½	31	0 40	168 51	Equal to samples.
26-78	12 90	38-114	20 30	46-138	23 95	320 00	F.F.F. quality. Shot No. 3 and 4. 3 lbs. of shot for 1 lb. of powder.
32	19 35	50	30 40	59	15 95	480 00	Gilling twine—fine, and in large balls.
.....	.....	.....	.....	.....	.....	98 50	"John Deere" G. P. 11, "Highlander" 12-inch complete cross-plough with 2 extra points, wrench and additional large clevis for attaching double trees.
6	0 90	12	0 95	.....	.....	35 70	Equal to sample, first quality, solid backs, short, with straps from heel one foot towards point to strengthen blade.
6	0 60	12	0 70	.....	.....	24 60	Best quality.
.....	.....	.....	.....	.....	.....	5 75	Best quality, strong and heavy steel.
6	0 70	12	0 75	12	0 75	36 20	Best cast steel; heavy and equal to sample in Winnipeg Indian office.
6	1 15	12	1 25	12	1 25	82 90	Double steel and handled, 3½-lb. chopping, American pattern; the steel to be inserted into the iron of the axe; handles second growth timber.
.....	.....	.....	.....	.....	.....	15 00	Best quality.
.....	.....	.....	.....	.....	.....	61 00	According to specification on page No. 31.
July 10, 1884.	.....	July 15, 1884.	.....	July 22, 1884.	.....	3,486 40	

to deliver the above mentioned quantities of supplies to his agent or agents at the character as specified under the heading of Remarks, and do further agree to furnish supplies in any quantities required, of same description and quality and at the same time be given prior to the 15th July, 1884, and will execute a formal contract in

For the Hudson Bay Company,  
THOMAS R. SMITH.

execute a contract to that effect when called upon by the Superintendent General of

J. U. A. GRAHAME, C.E.  
T. K. PARSON, C.F.

the contractor in a condition fit for immediate use.

## TREATY No. 2.

	Lake Manitoba.		Ebb and Flow Lake.		Crane River.		Water Hen River.		Fairford.		Lake St. Martin.		Little Saskatchewan.		Am't.	Description of Goods, Remarks.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
Flour.....lbs	1300	\$ 0 06½	1400	\$ 0 06½	400	\$ 0 06½	1000	\$ 0 06½	1800	\$ 0 06½	500	\$ 0 06½	500	\$ 0 06½	\$ cts. 468 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be unbleached cotton, the outer one a gunny.
Bacon..... "	35	\$ 0 19½	300	\$ 0 19½	100	\$ 0 19½	25	\$ 0 19½	450	\$ 0 19½	100	\$ 0 19½	200	\$ 0 19½	351 00	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tender to quote a price for either or both of the above qualities of bacon.
Tea..... "	41	\$ 0 3¾	42	\$ 0 3¾	13	\$ 0 3¾	32	\$ 0 3¾	56	\$ 0 3¾	16	\$ 0 3¾	23	\$ 0 3¾	70 81	Congou, equal to samples.
Tobacco.... "	20	\$ 0 44½	21	\$ 0 44½	7	\$ 0 44½	16	\$ 0 44½	28	\$ 0 44½	8	\$ 0 45	12	\$ 0 45	49 79	Equal to samples.
Powder and shot.	11-33	7 30	11-33	7 60	4-12	2 35	9-27	5 65	15-45	10 10	4-12	2 85	7-21	4 25	40 00	F.F.F. quality. Shot Nos. 3 and 4. 3 lbs. of shot for 1 lb. of powder.
Twine, white..	43	29 35	45	30 20	14	9 30	33	22 55	60	40 40	17	11 40	25	16 80	160 00	Gilling, fine, and in large balls.
Hand grist mill	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Best quality, large, and to be satisfactory to Indian Inspector at Winnipeg.
Ox harness....	.....	.....	2	15 50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	31 00	Borbridge's pattern, complete with collars, &c
Cross-ploughs (complete).	.....	.....	.....	.....	.....	.....	.....	.....	4	31 25	.....	.....	.....	.....	125 00	"John Deere" G. P. 11, "Highlander," 12-inch complete cross-plough, with 2 extra points, wrench and additional large clevis for attaching doubletrees.
Harrows .....	.....	.....	.....	.....	.....	.....	.....	.....	4	19 80	.....	.....	.....	.....	79 20	Collard's barrow is not in stock and could not be procured in time to admit of its being delivered at date stated.
Cross-cut saws	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	3 90	.....	.....	3 90	} Like samples in Winnipeg Office. Sharpened and set.
Whip-saw ....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	7 90	.....	.....	7 90	
Sickles.....	.....	.....	.....	.....	.....	.....	6	0 60	.....	.....	.....	.....	.....	.....	10 80	Best quality.
Grindstones ..	.....	.....	.....	.....	1	2 80	.....	.....	.....	1	2 80	.....	.....	.....	5 60	Nova Scotia or Ohio sandstone, 2½ to 3 ins. thick, weighing 40 to 60 lbs.
Cross-cut saw files.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	0 40	.....	.....	4 80	Stubbs.
Whip-saw files	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	0 25	.....	.....	3 00	do

\* A hand grist-mill is not easily obtainable, but I would be glad to endeavor to procure one, the Department to pay the cost, laid down at Fairford, with 10 per cent. commission added.



## TREATY No. 3.

	Coutche- eching.		Mattawan.		Lac Seul.		Assabacka Bay.		Rat Portage.		Islington.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.		
Flour.....	1,200	0 06½	1,200	0 14½	3,300	0 17	1,300	0 05½	1,200	0 03½	1,400	0 7½	\$ cts. 1,035 70	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon .....	300	0 19½	300	0 27½	800	0 29½	325	0 19	300	0 15½	350	0 21	559 50	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea .....	39	0 35½	37	0 46	102	0 49½	41	0 34½	37	0 27½	42	0 37	121 47	Congou, equal to samples.
Tobacco.....	19	0 49½	18	0 58½	51	0 61½	21	0 48½	19	0 40	21	0 50½	79 78	Equal to samples.
Powder and shot.....	58-174	40 95	37-111	39 40	93-279	108 40	65-195	43 60	78-234	40 70	59-177	44 95	318 00	F.F.F. quality. Shot Nos. 3 and 4. 3 lbs. of shot for 1 lb. of powder.
Wine.....	64	46 80	56	45 00	148	123 85	69	49 85	77	46 55	69	51 35	363 40	Gilling twine, fine, and in large balls.
Drub hoes.....	.....	.....	.....	.....	71	1 50	80	1 00	24	0 70	24	1 10	239 70	Best cast steel; heavy, and equal to sample in Winnipeg Indian Office.
Breaking ploughs.....	.....	.....	.....	.....	.....	.....	1	39 00	.....	.....	1	41 00	80 00	John Deere "Prairie Queen," complete breaker; 12 inch rolling coulters; 2 extra points; wrench and additional large clevis for doubletree.
Goose neck (for pit saw).	.....	.....	.....	.....	.....	.....	10	1 60	1	1 45	1	1 65	19 10	Satisfactory to Indian Inspector at Winnipeg.
Box (for pit saw).....	.....	.....	.....	.....	.....	.....	10	1 40	1	0 65	1	1 00	15 65	do
*Harrow, set of.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1 24 00	24 00	First-class harrows.
Dates of delivery.....	July 16, 1884.		July 26, 1884.		July 22, 1884.		Aug. 4, 1884.		July 12, 1884.		July 8, 1884.		2,846 36	

## TREATY No. 3—Continued.

	River la Seine.		Lac la Croix.		Sturgeon Lake.		Lac des Milles Lacs.		Wabegon.		Nickies-mines-can.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		
Flour..... lbs.	800	0 08½	600	0 13½	300	0 14½	700	0 10½	900	0 04½	500	0 07½	\$ cts. 353 75	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon..... "	600	0 22½	400	0 26	200	0 27½	500	0 23½	200	0 16½	100	0 21	466 75	New and sound, short clear or long clear, smoked, and in sacks; weight of sack to be deducted; tender to quote a price for either or both of the above qualities of bacon.
Tea..... "	35	0 36½	35	0 44½	15	0 46	25	0 40½	27	0 28½	16	0 37	60 07	Gongou, equal to the sample.
Tobacco..... "	36	0 53	25	0 57	15	0 58½	25	0 53½	14	0 41	8	0 50½	64 80	Equal to samples.
Powder and shot. "	40-120	34 35	24-72	23 80	10-30	10 55	36-108	31 70	5-153	28 80	22-66	16 60	145 80	F. F. quality. Shot No. 3 and 4. 3 lbs. of shot for 1 lb. of powder.
Twine..... "	50	{ 30 00 8 25	33	20 00	14	9 00	46	27 00	}	54 32 85	26	19 05	162 80	Gilling twine, fine, and in large balls.
Fish hooks..... "	120	1 00	110	1 00	100	1 00	110	1 00			.....	.....	4 00	Satisfactory as to size and quality to Indian Inspector at Winnipeg.
Ox yoke..... "	.....	.....	1	14 50	.....	.....	.....	.....	.....	.....	.....	.....	14 50	Of good timber, complete, with staple, ring, bows and bow keys.
Logging chain..... "	.....	.....	1	3 50	.....	.....	.....	.....	.....	.....	.....	.....	3 50	½ with round and grab hooks, 14 feet long.
Tool chest..... "	.....	.....	1	95 00	.....	.....	.....	.....	.....	.....	.....	.....	95 00	According to specification on page 29.
Dates of delivery..	July 26, 1884.		July 31, 1884.		July 12, '84.		July 7, 1884.		July 18, 1884.		July 23, 1884.		1,370 97	



	Nacatchewenin.		Little Forks.		Manito Rapids.		Long Sault.		Hungry Hall.		Whitefish Bay.		Amount	Remarks. Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		
Flour.....lbs	500	0 09	600	0 06½	700	0 06	900	0 05½	700	0 05	500	0 05½	\$ 237 15	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be unbleached cotton, the outer one a gunny.
Bacon.....	100	0 22½	150	0 19½	150	0 19½	250	0 18½	200	0 18½	125	0 19	188 36	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea .....	15	0 38½	18	0 35½	22	0 34½	29	0 33½	23	0 33½	15	0 34½	42 33	Congou, equal to samples.
Tobacco .....	8	0 52½	9	0 49½	11	0 48½	14	0 48	12	0 47½	7	0 48½	29 58	Equal to samples.
Powder and shot...	20-60	16 15	27-8	19 30	33-89	22 75	47-141	30 95	38-114	24 05	24-72	15 85	129 05	F.F.F. quality. Shot Nos. 3 and 4. 3 lbs. of shot for 1 lb. of powder.
Twine, white.....	24	18 45	31	22 05	32	22 95	49	35 35	39	27 50	25	18 15	144 45	Gilling, fine, and in large balls.
Dates of delivery	July 19, '84.		July 14, '84.		July 11, '84.		July 9, 1884.		July 7, 1884.		Aug. 7, 1884.		770 92	

TREATY No. 3—*Concluded.*

	Big Island.		Buffalo Bay.		North-West Angle.		Shoal Lake.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.		
Flour .....	800	0 05	400	0 06½	1,300	0 06½	800	0 06½	\$ cts. 200 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon .....	200	0 18½	100	0 19½	375	0 19½	200	0 19½	170 30	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above quantities of bacon.
Tea .....	24	0 33½	12	0 35½	40	0 35½	26	0 35½	33 53	Congou, equal to samples.
Tobacco .....	12	0 47½	6	0 49½	20	0 49½	13	0 49½	24 91	Equal to samples.
Powder and shot .....	39-117	25 40	17-51	12 15	61-183	42 55	38-114	26 95	107 05	E.F.F. quality. Shot Nos. 3 and 4. 3 lbs. of shot for 1 lb. of powder.
Twine, white .....	41	29 00	19	13 90	67	48 65	42	30 80	122 35	Gilling, fine, and in large balls.
Dates of delivery ....	July 29, 1884.		July 25, 1884.		July 21, 1884.		July 17, 1884.		658 14	



## TREATY No. 5—ISLAND BANDS.

	Hollow Water River.		Loon Straits.		Blood Vein River.		Jack Head.		Amount.	Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.		
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		
Flour .....	700	0 03½	200	0 03½	600	0 03½	600	0 03½	75 80	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon .....	200	0 16	50	0 16	150	0 16½	150	0 16½	38 73	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted, tenderer to quote a price for either or both of the above quantities of bacon.
Tea.....	22	0 27	6	0 27	18	0 27	19	0 27½	17 59	Congon—equal to samples.
Tobacco .....	11	0 34½	3	0 34½	9	0 34½	10	0 34½	13 00	Equal to samples.
Powder and shot.....	11-33	5 40	3-9	1 55	9-27	4 40	9-27	4 85	16 20	F. F. quality. Shot Nos 3 and 4. 3 lbs. of shot for 1 lb. powder.
Twine, white .....	14	8 15	4	2 40	11	6 65	12	7 30	24 50	Gilling, fine, and in large balls.
Dates of delivery.....	July 10, 1884.		July 12, 1884.		July 15, 1884.		July 21, 1884.		235 85	

TREATY No. 5.

	Black River.		Island Band.		The Pas.		Berens River.		Norway House.		Cross Lake.		Amount.	Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.		
Files.....doz.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.	\$ 9 30	One dozen each of Stubbs' hand whip and cross-cut.
Axes.....			9	1 15									10 35	Double steel and handled—3½ lb. chopping—American pattern. The steel to be inserted into the iron of the axe. Handle second growth timber.
Angers.....	1	0 85									1	0 95	4 35	Equal to sample in Winnipeg office.
Chest of tools.....	1	62 00											124 00	According to specification on page 31.
Saws, cross-cut.....			1	2 70									2 70	Sharpened and set, equal in quality, size and pattern to sample in Winnipeg office.
do pit.....													6 80	do
do hand.....													4 95	do
Hoes, grub.....	12	0 75							80	0 80			180 30	do
Grindstones.....			2	1 70	22	1 00	76	0 80					3 40	Nova Scotia or Ohio sandstone, 2½ to 3 inches thick, 40 to 50 lbs weight.
Scythes and snaihs.	5	1 40			12	1 60							26 20	Equal in quality, size and pattern to sample in Winnipeg office.
Dates of delivery..	Aug. 8, 1884.		Aug. 10, 1884		Aug. 28, 1884		Aug. 24, 1884		Aug. 1, 1884.		Aug. 6, 1884.		352 35	



## TREATY No. 5.—Continued.

	Black River.		Island Band.		Fisher River.		Berens River.		Norway House.		Cross Lake.		Amount.	Remarks.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
	ty.	\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		
Flour..... lbs.	500	0 03½			2,300	0 04½	4,000	0 03½	4,300	0 04½	1,800	0 05½	538 13	Fresh ground, equal to Strong Bakers', Toronto, inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be unbleached cotton, the outer one a gunny.
Bacon .....	100	0 16			600	0 17½	1,000	0 16½	1,050	0 18	450	0 20	561 00	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea .....	15	0 27			73	0 28½	124	0 27	134	0 30	56	0 34½	117 89	Congou, equal to sample.
Tobacco.....	3-24	0 38½			36	0 41½	62	0 39½	67	0 43½	28	0 47½	84 86	Equal to samples
Powder and shot	8-24	3 85			33-29	17 95	60-180	30 60	58-174	32 90	21-63	13 75	99 06	F.F.F. quality. Shot No. 3 and 4. 3 lbs. of shot for 1 lb. of powder.
Twine, white....	10	5 75			43	26 95	77	45 90	75	49 40	28	20 00	148 60	Gilling twine—fine, and in large balls.
4 Cross-ploughs (complete).									2	30 00			60 00	"John Deere" G.P. 11, "Highlander" 12-inch complete cross-plough with 2 extra points, wrench and additional large clevis for attaching doubletree.
Harrows .....									2	18 00			36 00	First-class barrows.
Spades .....					12	1 15	20	1 20	24	1 25	10	1 45	96 70	Best quality, strong and heavy steel.
Grub hoes.....					20	0 80	24	0 80	40	0 80	12	1 00	88 20	Best cast steel. Heavy, and equal to sample in Winnipeg Indian office.
Mattock .....					12	1 15	12	1 15	20	1 20	8	1 45	69 80	Quality to be satisfactory to Indian Inspector at Winnipeg.
Axes .....					12	1 20	20	1 20	40	1 25	12	1 45	112 70	Double steel and handled, 3½ lb. chopping, American pattern; the steel to be inserted into the iron of the axe; handles second growth timber.
Scythes .....							6	1 00	12	1 10	6	1 25	26 70	Equal to sample, first quality, solid backs, short, with straps from heel one foot towards point to strengthen blade.
Snaiths .....									10	0 80	4	1 00	12 00	Best quality.
Scythe stones.....							10	0 07	12	0 08	8	0 10	2 46	
Dates of delivery	July 8, 1884.		July 10, 1884.		July 18, 1884.		July 24, 1884.		Aug. 1, 1884.		Aug. 6, 1884.		2,054 09	

## TREATY No. 5—Concluded.

	Grand Rapids.		The Pas.		Moose Lake.		Ohemahwa-wia.		Oumberland.		Birch River.		Amount.		Remarks. Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.			
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.	
Flour..... lbs.	1,000	0 03½	4,800	0 06½	1,200	0 08	800	0 07½	2,800	0 06	880	0 07	670	50	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be unbleached cotton, the outer one a gunny.
Bacon..... "	250	0 16½	1,100	0 20½	300	0 24½	200	0 22	700	0 22½	200	0 23½	583	13	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea..... "	32	0 27½	141	0 33½	37	0 39½	24	0 36	86	0 36½	24	0 33½	119	99	Congou, equal to samples.
Tobacco .....	16	0 39½	70	0 47½	18	0 55	12	0 50	42	0 52½	12	0 53½	84	24	Equal to samples.
Powder and shot	15-45	7 90	59-156	34 80	11-33	9 05	8-24	5 85	29-87	21 15	8-24	6 00	84	75	F. F. quality. Shot Nos. 3 and 4. 3 lbs. of shot for 1 lb. of powder.
Twine, white .....	20	11 85	73	52 20	16	13 50	11	8 80	40	31 40	11	9 05	126	80	Gilling twine—fine, and in large balls.
Cross-ploughs (complete).	.....	.....	2	33 50	.....	.....	.....	.....	.....	.....	.....	.....	67	00	"John Deere," G. P. 11, "Highlander" 12-in. complete cross-plough, with 2 extra points, wrench and additional large clevis for attaching doubletrees.
Harrows.....	.....	.....	2	20 00	.....	.....	.....	.....	.....	.....	.....	.....	40	00	First-class barrows.
Spades .....	4	1 20	24	1 50	6	1 70	4	1 80	12	1 60	.....	.....	77	40	Best quality, strong and heavy steel.
Grub hoes .....	6	0 80	40	1 00	8	1 15	6	1 20	20	1 00	.....	.....	81	20	Best cast steel, heavy and equal to sample in Winnipeg Indian Office.
Mattock .....	4	1 20	20	1 50	6	1 70	4	1 80	12	1 60	.....	.....	71	40	Quality to be satisfactory to Indian Inspector at Winnipeg.
Axes .....	12	1 25	40	1 50	12	1 80	12	1 90	20	1 60	.....	.....	151	40	Double steel and handled, 3½ lb. chopping; American pattern; the steel to be inserted into the iron of the axe; handles second growth timber.
Scythes .....	.....	.....	12	1 20	.....	.....	.....	.....	12	1 25	.....	.....	29	40	Equal to sample, first quality, solid backs, short, with straps from heel one foot towards point to strengthen blade.
Snaths .....	.....	.....	10	0 85	.....	.....	.....	.....	6	0 90	.....	.....	13	90	Best quality.
Scythe stones ..	.....	.....	12	0 08	.....	.....	.....	.....	10	0 09	.....	.....	1	86	Indian Pond.
Dates of delivery	Aug. 14, 1884	.....	Aug. 28, 1884	.....	Aug. 23, 1884	.....	Aug. 20, 1884	.....	Sept. 5, 1884	.....	Sept. 2, 1884	.....	2,202	96	



## TREATY No. 4.

	Duck Bay. In Gov't. Storehouse.		Birtle. In Governm't Storehouse.		Indian Head. In Gov't. Storehouse.		Amount.	Remarks. — Description of Goods.
	Q'ty.	Rate.	Quantity.	R'te	Q'ty.	R'te		
Flour.....lbs.	800	\$ c. 0 6½	.....	Cts.	.....	Cts.	\$ cts. 52 00	Equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour each, the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon .....	200	0 19½	.....	.....	.....	.....	39 00	New and sound, short clear or long clear, smoked and in sacks; the weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea .....	23	0 31½	.....	.....	.....	.....	7 29	Congou, equal to sample.
Tobacco.....	12	0 44½	.....	.....	.....	.....	5 34	Equal to sample.
Powder & shot, caps and gun flints .....	21-63.	15 00	.....	.....	.....	.....	15 00	3 lbs. of shot to 1 lb. of powder. 1 box caps for each lb. of powder, and 20 only gun flints.
Caps, box I.....	21	.....	.....	.....	.....	.....	25 00	Gilling twine, fine and in large balls.
E. flints .....	20	.....	.....	.....	.....	.....		
Twine, white....	37	25 00	.....	.....	.....	.....	25 00	Ordinary "Red River" cart harness, with collars, hames and tugs, complete.
Ox harness .....	1	9 00	.....	.....	.....	.....	9 00	John Deere's G. P. 11 "Highlander," complete, cross-plough, 12-inch; 2 extra points; additional large clevice for attaching double-trees.
Cross plough.....	1	35 00	.....	.....	.....	.....	35 00	First-class harrows.
Harrow (compl.)	1	22 20	.....	.....	.....	.....	22 20	Best quality manufactured.
Sickles .....	6	0 65	.....	.....	.....	.....	0 65	With large clevice on double-tree, of the usual size and strength for a 3½ skein wagon.
Doubletrees and whiffletrees...set	1	6 20	.....	.....	.....	.....	6 20	
5th Aug., '84.							216 68	

## TREATY No. 4—QU'APPELLE DISTRICT.

## PROVISIONS FOR DESTITUTE INDIANS.

Flour.....lbs.	.....	.....	15,000	04	365,000	02½	11,093 75	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon .....	.....	.....	2,500	16	120,000	14½	17,680 00	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
							28,773 75	

TREATY No. 4—QU'APPELLE DISTRICT—*Concluded.*

## PAYMENT PROVISIONS.

—	Duck Bay. In Gov. Storehouse.		Birtle. In Government Storehouse.		Indian Head. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.	Quantity.	R'te	Qty.	R'te		
		\$ c.		Cts.		Cts.	\$ cts.	
Flour .....lbs.	.....	.....	11,200	04	32,000	02 $\frac{1}{2}$	1,368 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon ..... "	.....	.....	1,400	16	4,000	15 $\frac{1}{2}$	840 00	New and sound, short clear and long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea ..... "	.....	.....	350	28	1,000	27 $\frac{1}{2}$	372 00	Congou, equal to sample.
Sugar ..... "	.....	.....	350	12 $\frac{1}{2}$	1,000	11 $\frac{1}{4}$	155 66	Canada Sugar Refining Co., "Paris Lump."
Tobacco ..... "	.....	.....	175	40	500	39	265 00	Equal to sample.
			1st Aug., 1884.		1st Aug., '84		3,060 66	



## TREATY No. 4—QU'APPELLE DISTRICT.

## FARM SUPPLIES.

	Indian Head. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Q'ty.	Rate.		
		\$ cts.	\$ cts.	
Flour.....lbs.	10,400	0 02 $\frac{1}{8}$	299 00	Fresh ground, equal to' Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon..... "	6,935	0 15 $\frac{2}{5}$	1,067 99	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Rice..... "	342	0 10 $\frac{1}{10}$	37 62	" Carolina," equal to sample.
Tea (4 half chests, each about 65 lbs. net).	260	0 27 $\frac{2}{5}$	71 24	Congou, equal to sample.
Sugar..... "	1,400	0 11 $\frac{1}{4}$	157 50	" Paris Lump," in 50-lb. boxes, " Canada Sugar Refinery."
Hops..... "	50	0 36 $\frac{1}{10}$	18 05	Of best quality, in $\frac{1}{4}$ -lb. packages.
Pepper, ground..... "	20	0 21 $\frac{2}{5}$	4 28	Black, first quality, in $\frac{1}{4}$ -lb. tins.
Matches.....gross	4	0 64	2 56	Eddy's "No. 1."
Coal oil.....lbs.	475 $\frac{10}{100}$			Water white, in 5-gallon cans, boxed, and on axles.
or Imp. galls.	60	0 83	49 80	Black, best quality, in 5-gallon cans, boxed, and on axles.
Machine oil.....lbs.	120			Canada Sugar Refinery "V.B."
or Imp. galls.	15	1 00	15 00	in 2-gallon cans.
Syrup.....lbs.	700			Best quality, evaporated, in 50-lb. boxes, machine cut, not punched.
or Imp. galls.	50	0 96	48 00	
Apples.....	300	0 18 $\frac{1}{2}$	55 50	
Date of delivery.....	Aug. 1, 1884.		1,826 54	

## TREATY No. 4—QU'APPELLE DISTRICT.

## AMMUNITION AND TWINE.

	Birtle. In Government Storehouse.		Indian Head. In Government Storehouse.		Amount.	Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.		
		\$ cts.		\$ cts.	\$ cts.	
Powder.....lbs.	200	0 28 $\frac{4}{5}$	800	0 27 $\frac{1}{2}$	277 60	F. F. F.
Shot..... "	600	0 08 $\frac{1}{10}$	3,000	0 07 $\frac{1}{4}$	266 10	No. 4.
Ball.....			200	0 08 $\frac{1}{8}$	16 66	Trade ball.
No. 5.....	40	0 24 $\frac{2}{5}$	50	0 22 $\frac{9}{10}$	21 21	Seine twine
No. 9.....	40	0 21 $\frac{1}{4}$	50	0 20 $\frac{2}{5}$	18 90	do
Gilling, No. 2....	80	0 31 $\frac{7}{10}$	100	0 29 $\frac{1}{10}$	55 26	do
Snaring wire (brass).....			20	0 35 $\frac{1}{2}$	7 10	Holland.
Dates of delivery.....	Aug. 1, 1884.		Aug. 1, 1884.		662 83	

## TREATY No. 6 AND PART OF TREATY No. 4.

## HARNESS.

—	Indian Head. In Govt. Storehouse.		Battleford. In Govt. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.		
Ox-cart harness, sets	20	\$ cts. 7 00	20	\$ cts. 8 50	\$ cts. 310 00	Without collars, but with tugs, 22-inc tug pins. Borbridge's pattern. 20 inches, and equal to sample.  London Sheets, 6 feet by 6 feet, shaped strapped across chest, and long strap and buckle inside rear part of belly.
Ox hames .....pairs	.....	.....	8	2 50	20 00	
Sweat collars..... "	.....	.....	8	1 75	14 00	
Halter bridles.....	12	1 50	.....	.....	18 00	
Horse blankets.....	12	3 25	12	4 00	87 00	
Dates of delivery...	Aug. 1, 1884.		Aug. 1, 1884.		449 00	



## TREATY No. 6 AND PART OF TREATY No. 4—Continued.

## AGRICULTURAL IMPLEMENTS.

	Birtle. In Gov. Storehouse		Indian Head. In Gov. Storehouse		Carlton. In Gov. Storehouse		Battleford. In Gov. Storehouse		Snake Hills. In Gov. Storehouse		Edmonton. In Gov. Storehouse		Fort Pitt. In Gov. Storehouse		Amount.	Remarks. — Description of Goods.
	Qty	Rate.	Qty	Rate.	Qty	Rate.	Qty	Rate.	Qty	Rate.	Qty	Rate.	Qty	Rate.		
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		
Chains (trace)	20	0 65	100	0 60											73 00	Long trace chains, half twist in links, 7 feet long, weighing 8 lbs. each pair.
Chains for ox yokes.	10	1 90	12	1 75			12	2 10			10	2 15			86 70	5/8 logging chains, with grab and round hooks, 14 feet long.
Forks, hay.....	24	0 54	48	0 50					24	0 60	48	0 59			79 68	Equal to sample, and 3 tines.
Fanning mills.....	2	47 75							3	60 40	4	54 75			495 70	Dingle's Oshawa machine.
Grindstones.....	5	1 65							3	2 75	6	2 65			32 40	Nova Scotia or Ohio sandstone, 2 1/2 to 3 inches thick, 45 to 50 lbs. weight.
Harrows..... sets	4	15 20	20	14 00			10	17 00							510 80	First-class harrows.
Hoes.....	36	0 44	300	0 41							98	0 48			184 92	Planters' hoe, like the sample.
Links, spit, for mending trace-chains.....lbs.	26	0 23	20	0 21 1/2	20	0 24 1/2	20	0 24 1/2	20	0 25 1/2	20	0 25 1/2	20	0 25 1/2	33 95	
Mowing machine.			1	94 00											94 00	"Toronto" mower, renewal parts duplicated.
Plough, breaking	3	33 40					30	34 10	6	35 00	10	34 60			1,679 20	John Deere "Prairie Queen" plough, 12-inch complete breaker, rolling coulter, two extra points, wrench and additional large clevis for attaching double-trees.
do cross.....			50	25 00			27	27 70			10	23 20			2,219 90	"John Deere" G.P. 11, "Highlander" 12-inch complete cross-plough with two extra points, wrench and additional large clevis for attaching double-trees.
Rakes, horse.....			1	41 18			1	45 30							86 48	Sulky horse rake, self-discharging, manufactured by the Massey Manufacturing Co., Toronto, renewal parts duplicated.
Reaping machines.			1	114 65			1	144 20							258 85	Of the latest pattern, manufactured by the Massey Manufacturing Co., Toronto, renewal parts duplicated.
Shovels.....											12	1 22			14 64	*Equal to sample, long handle.
Spades.....									6	1 25	24	1 28			38 22	*Best steel.
															5,988 44	

\* Special attention must be paid by the contractor to deliver spades and shovels of strong and heavy steel.

## TREATY No. 6 AND PART OF TREATY No. 4.—Continued.

## AGRICULTURAL IMPLEMENTS—Concluded.

	Birtle. In Government Storehouse.		Indian Head. In Government Storehouse.		Battleford. In Government Storehouse.		Snake Hills. In Government Storehouse.		Edmonton. In Government Storehouse.		Amount.	Remarks.
	Q'ty.	Rate. \$ cts.	Q'ty.	Rate. \$ cts.	Q'ty.	Rate. \$ cts.	Q'ty.	Rate. \$ cts.	Q'ty.	Rate. \$ cts.		
Scythes.....	48	0 91	48	0 85	48	0 98	24	1 00	48	0 98	202 55	Equal to sample, all to be first quality, solid back; short, with straps from heel 1 foot towards point to strengthen it.
Snaiths.....	24	0 63	96	0 59	.....	.....	24	0 70	48	0 70	122 16	Equal to sample.
• Cradles, grain with scythes, complete.	4	3 40	96	0 05½	48	0 08½	24	0 07	48	0 07	13 12	Indian Pond.
Sickles.....	.....	.....	12	3 25	24	3 40	6	3 50	12	3 50	197 20	Half muley, like sample.
Stores, cooking.....	.....	.....	72	0 45	.....	.....	24	0 50	.....	.....	44 40	Equal to sample.
• Storepipes.....	.....	.....	2	36 75	.....	.....	.....	.....	.....	.....	73 50	"Pacific" No. 9, square, made by Clendenning, Monreal, with usual stove furniture, of good quality. See specification on back.
do elbows.....	.....	.....	50	0 19	.....	.....	.....	.....	.....	.....	9 50	7-inch, not rivetted, but rivets to accompany
Whiffletrees and double trees, sets.	.....	.....	10	0 26½	.....	.....	.....	.....	.....	.....	2 65	7-inch.
• Waggon.....	.....	.....	50	3 80	12	4 40	.....	.....	12	4 50	296 80	With additional large clevis for doubletree; each set to be attached together and of the usual size and strength for 3½ skein waggon.
Clevises.....	.....	.....	3	117 00	.....	.....	.....	.....	.....	.....	351 00	Well ironed, 3½ skein. The Chatham wagon, with doubletrees and neck yoke, complete in every respect.
Split rings for bulls' nose.....	10	0 38	.....	.....	.....	.....	.....	.....	.....	.....	3 80	Wrought iron, and suitable for attaching doubletrees to ploughs.
Carts.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2 88	Red River hay cart, with strong oak wheels, tired and bushed; iron bands on hubs; oak axle without iron; long shafts for oxen, and square axle.
Dates of delivery...	Aug. 1, 1884.	.....	Aug. 1, 1884.	.....	Aug. 1, 1884.	.....	Aug. 15, 1884.	.....	Aug. 15, 1884.	.....	1,809 57	

\*NOTE.—No agricultural implements will be received in parts; they must be set up and delivered by the contractors, in a condition fit for immediate use. Waggon must be built in strict accordance with the specification on page 39 of this schedule.

The freight on the carts to Battleford being excessive, I refrain from quoting. Doubtless they could be procured at or near Battleford.



TREATY No. 6 AND PART OF TREATY No. 4.—Continued.

TOOLS.

	Birtle. In Gov. Storehouse.		Indian Head. In Gov. Storehouse.		Battleford. In Gov. Storehouse.		Snake Hills. In Gov. Storehouse.		Edmonton. In Gov. Storehouse.		Fort Pitt. In Gov. Storehouse. Farm 14.		Amount	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.	\$ cts	
Axes, double steel and handled.			120	1 05	96	1 27	24	1 30	72	1 30			372 72	3½ lbs. chopping axes, American pattern, double steel; handled. The steel to be inserted into the iron of the axe. Handles second growth hickory.
Axle grease..... bxs.	36	0 08½	48	0 07½	25	0 11			24	0 11½			11 94	Butler's.
Axes, pick.....			12	0 96									11 52	Equal to sample. Weight 8 lbs.
Augers.....			40	0 42									16 80	¾ inch, best quality, Blue Short Eye.
do.....	60	0 55	40	0 52									53 80	do
do.....			40	0 77									30 80	do
Files, hand-saw.....			60	0 20½									12 20	“Stubbs,” 6 inch.
do cross-cut.....			60	0 32½	12	0 35			24	0 35			32 00	do 12 do
do pit or whip....	12	0 18	60	0 16½	36	0 18			24	0 18			22 86	do 6 do
do rough or bas- tard.			60	0 32½									19 50	12 inch.
Glass..... bxs.	6	3 70	8	3 25			2	5 20	3	5 00	3	5 30	89 50	8 by 10 size.
Hammers.....							12	0 65	12	0 65			15 60	Steel claw, equal to sample.
Hooks, fish.....	500	0 60	2,000	0 56									14 20	Ood hooks, medium to large, with eye; ½ to be extra large and slightly twisted. Those for Birtle to be all extra large.
Nails, cut..... lbs.			400	0 05			100	0 08½	200	0 08½	200	0 08½	63 35	2½ inch.
do do..... “	200	0 05½	400	0 04½			100	0 08½	200	0 08½			72 30	3 do
do do..... “			200	0 04½									9 40	4 do
do shingle..... “							100	0 09½	300	0 09			36 25	
do wrought..... “							100	0 10½	100	0 10½	100	0 10½	31 55	2½ do wrought nails.
Dates of delivery...													916 29	

## TREATY No. 6 AND PART OF TREATY No. 4.—Continued.

## TOOLS—Concluded.

	Birtle. In Government Storehouse.		Indian Head. In Government Storehouse.		Snake Hills. In Government Storehouse.		Edmonton. In Government Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rates. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.		
Rope.....lbs.									\$ cts.	
do .....	40	0 15	100	0 28	100	0 33	100	0 33	61 00	1½-inch cotton, suitable for plough lines.
Putty....."	15	0 05½	200	0 14	100	0 18½	100	0 18	70 50	¾-inch manilla.
Saws, hand.....			50	0 05			50	0 08	7 32	
Wrenches (monkey).....	12	0 60			6	1 55	12	1 50	27 30	Sharpened and set. Equal to sample.
Tool chests.....									7 20	12-inch, best quality.
Brace and bits.....	1	4 35			1	65 00	1	63 50	128 50	See description, page 29.
									4 35	Best make and pattern, with 16 bits and 2 gim- let bits.
Dates of delivery.....	1st August, 1884.		1st August, 1884.		15th August, '84.		15th August, '84.		306 17	



TREATY NO. 6—ANNUITY PAYMENT.  
PROVISIONS.

	Prince Albert. In Gov. Storehouse		Carlton. In Gov. Storehouse		Battleford. In Gov. Storehouse.		Fort Pitt. In Gov. Storehouse Farm 14.		Snake Hills. In Gov. Storehouse		Edmonton. In Gov. Storehouse		Peace Hills. In Gov. Storehouse		Amount	Remarks. — Description of Goods.
	Qty.	Rte.	Qty.	Rte.	Qty.	Rte.	Qty.	Rte.	Qty.	Rte.	Qty.	Rte.	Qty.	Rte.		
Flour ....lbs.	4400	3	9920	3½	8000	4½	8800	5½	8000	6½	9800	6½	5500	6½	\$ cts. 2,851 20	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon...	1100	17½	2480	17½	4030	18	2200	18½	2000	18½	2400	18½	1400	18½	2,800 65	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea .....	138	29½	310	29½	500	30	275	31½	250	31½	300	30½	175	31½	594 31	Congou—equal to samples.
Sugar...	150	13½	300	14	500	14½	300	15½	250	15½	300	14½	200	14½	290 73	Canada Sugar Refinery, "Paris Lump," in 50-lb. boxes.
Tobacco "	70	41½	155	41½	250	42	138	43	125	42½	150	42½	87	42½	112 24	Equal to sample.
Dates of delivery .....	Aug. 1, '84.		Aug. 1, '84.		Aug. 1, 1884.		Aug. 1, '84.		Aug. 15, '84		Aug. 15, '84		.....		6,949 13	

## PROVISIONS FOR DESTITUTE INDIANS.

	15000		*100000		14600		5½		.....		10000 6½		.....		6,264 50	Remarks. — Description of Goods.
	Qty.	Rte.	Qty.	Rte.	Qty.	Rte.	Qty.	Rte.	Qty.	Rte.	Qty.	Rte.	Qty.	Rte.		
Flour ....lbs.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon...	.....	.....	500	17½	36500	18½	6000	18½	8000	18½	20,211	12	6000	18½	20,211 12	New and sound, short clear and long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Dates of delivery .....	Aug. 1, '84.		Aug. 1, '84.		Aug. 1, '84.		Aug. 1, '84.		Aug. 15, '84		Aug. 15, '84		Aug. 15, '84		26,475 62	

\*Flour to be delivered as follows at Battleford :—500 sacks on 1st August, 1884; 500 sacks on 1st November, 1884.

†Bacon to be delivered as follows at Battleford :—25,000 lbs. 1st Aug., 1884; 29,750 lbs. 1st Nov., 1884. The last delivery to be "new crop" bacon.

TREATY NO. 6—Continued.  
FARM SUPPLIES.

	Carlton. In Government Storehouse.		Battleford. In Government Storehouse.		Fort Pitt. In Gov. Storehouse. Indian Farm 14.		Edmonton. In Government Storehouse.		Amount.	Remarks.
	Quantity.	Rate.	Quantity.	Rate.	Quantity.	Rate.	Quantity.	Rate.		
Flour..... lbs.	2,760	\$ 0 03½	3,200	\$ 0 04½	2,700	\$ 0 05½	5,400	\$ 0 06½	\$ 738 75	
Bacon.....	1,825	0 17½	2,190	0 18	1,825	0 18½	3,650	0 18½	1,706 36	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be unbleached cotton, the outer one a gunny. New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Oatmeal.....	250	0 05½	300	0 06½	250	0 07	500	0 06½	83 05	Kiln dried, first quality.
Tea.....	120	0 29½	180	0 30½	130	0 31½	240	0 30½	200 40	Congou, equal to sample.
Sugar.....	350	0 14	450	0 14½	350	0 15½	700	0 14½	269 75	Canada Sugar Refinery, Paris lump, in 50-lb. boxes.
Rice.....	120	0 12½	144	0 12½	120	0 13½	240	0 13½	80 72	Carolina, as per sample.
Baking powder.....	10	0 58½	10	0 58½	10	0 60	20	0 59½	29 56	Of the best quality, in ½-lb. tins.
Pepper, ground.....	10	0 24½	10	0 26½	10	0 29½	10	0 26½	10 67	Black, first quality, in ½-lb. tins.
Salt.....	1	0 04½	1	0 04½	1	0 05½	1	0 04½	51 80	Fine Liverpool or equal.
Soap.....	60	0 17½	60	0 17½	60	0 18½	120	0 18	53 67	English yellow
Matches.....	3	0 80	3	0 84	3	0 93	6	0 88½	13 01	Eddy's, No. 1.
Coal oil.....	118-60	.....	118-60	.....	118-60	.....	137-20	.....	.....	Water white, in 5-gallon cans, boxed and on axles.
or Imp. galla.....	15	1 04	15	1 06	18	1 18	30	1 13	83 10	Best quality, in 5-gallon cans, boxed and on axles.
Machine oil.....	40	.....	40	.....	40	.....	80	.....	.....	
or Imp. galla.....	5	1 21	5	1 23	5	1 35	10	1 30	31 95	Canada Sugar Refinery, "V.B.," in 2-gallon cans.
Syrup.....	140	.....	196	.....	140	.....	280	.....	78 60	Of the best quality, in ½-lb. packages.
or Imp. galla.....	10	1 36	14	1 40	10	1 57	200	1 43	30 42	Best quality, evaporated, in 50-lb. boxes, machine cut, not punched.
Hops.....	15	0 40	15	0 40½	15	0 41½	30	0 40½	112 30	Best quality white bean.
Apples.....	100	0 22	150	0 22½	100	0 23½	150	8 22½	17 00	
Beans.....	.....	.....	.....	.....	.....	.....	200	0 08½	3,589 01	
Dates of delivery.	August 1, 1884.....	.....	August 1, 1884.....	.....	August 1, 1884.....	.....	August 15, 1884.....	.....	.....	



TREATY No. 6—*Concluded.*  
AMMUNITION AND TWINE.

	Battleford. In Government Storehouse.		Fort Pitt. In Govt. Store- house, Farm 14.		Snake Hills. In Government Storehouse.		Edmonton. In Government Storehouse.		Amount.	Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.		
Powder .....	300	Cts. 34 $\frac{3}{4}$	.....	Cts. ....	200	36 $\frac{1}{2}$	600	36	\$ 393 65	F. F. F.
Shot .....	.....	.....	.....	.....	700	11	1200	10 $\frac{3}{4}$	204 20	B. E.
Ball.....	.....	.....	.....	.....	100	12 $\frac{1}{2}$	400	11 $\frac{1}{4}$	69 70	Trade ball.
Gun flints.....	1000	45 p. 100	.....	.....	.....	.....	1000	45 p. 100	9 00	Half for fine and half for common flint-lock guns.
Twine. { No. 2.....	100	34 $\frac{1}{2}$	.....	.....	300	35 $\frac{1}{2}$	300	34 $\frac{1}{2}$	244 95	} Seine twine, Holland. Saint Pauls.
{ No. 5.....	75	26 $\frac{5}{8}$	.....	.....	100	27 $\frac{1}{2}$	100	27 $\frac{1}{2}$	74 85	
{ No. 9.....	125	24 $\frac{1}{2}$	.....	.....	75	24 $\frac{1}{2}$	75	23 $\frac{1}{2}$	79 66	
Cod lines, single.....	50	44 $\frac{1}{2}$	.....	.....	25	45 $\frac{1}{2}$	20	45	57 49	
Snaring wire, brass.....	10	38 $\frac{1}{2}$	.....	.....	10	39	10	38 $\frac{1}{2}$	19 22	
Dates of delivery.....	Aug. 1, 1884.		Aug. 1, 1884.		Aug. 1, 1884.		Aug. 1, 1884.		1136 72	

TREATY No. 7.  
ANNUITY PAYMENT—PROVISIONS.

	Blood Reservation, Belly River, In Gov't. Storehouse.		Piegan Reservation, In Gov't. Storehouse.		Blackfoot Crossing, In Gov't. Storehouse.		Morleyville, In Gov't. Storehouse.		Calgary or Sarcee Reservation, In Gov't. Storehouse.		Amount.	Remarks.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.		
		Cts.		Cts.		Cts.		Cts.		Cts.	\$ cts.	Description of Goods.
Flour.....lbs.							4,800	04			192 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Tea.....	650	30 $\frac{1}{2}$	225	30 $\frac{1}{2}$	550	28 $\frac{3}{4}$	150	29 $\frac{1}{2}$	112	29	499 15	Congou, equal to sample.
Sugar.....	650	13 $\frac{1}{10}$	250	13 $\frac{1}{4}$	550	12	150	12 $\frac{3}{4}$	100	12	216 07	Canada Sugar Refining Co., "Paris Lump," in 50-lb. boxes.
Tobacco.....	325	41 $\frac{1}{2}$	113	41 $\frac{1}{2}$	275	40	75	40 $\frac{1}{2}$	56	40 $\frac{1}{2}$	344 12	Equal to sample.
Dates of delivery	1st July, 1884.		1st July, 1884.		1st July, 1884.		See Note.		1st July, 1884.		1,251 34	

PROVISIONS FOR DESTITUTE INDIANS.

	1884.		1884.		1884.		1884.		1884.		Amount.	Remarks.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.		
		Cts.		Cts.		Cts.		Cts.		Cts.	\$ cts.	Description of Goods.
Flour.....lbs.	195,000	64 $\frac{1}{2}$	97,500	64 $\frac{1}{2}$	195,000	63 $\frac{1}{2}$			40,000	63 $\frac{1}{2}$	19,825 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon.....	118,624	15 $\frac{9}{10}$	41,062	15 $\frac{9}{10}$	100,374	14 $\frac{1}{10}$			20,531	14 $\frac{1}{10}$	43,204 14	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of these qualities of bacon.
Tea.....	1,000	30 $\frac{1}{2}$	500	30 $\frac{1}{2}$	1,000	28 $\frac{3}{4}$			300	29	828 25	Congou, equal to sample.
Tobacco.....	500	41 $\frac{1}{2}$	300	41 $\frac{1}{2}$	500	40			150	40 $\frac{1}{2}$	591 57	Equal to sample.
Dates of delivery	1st July, 1884.		1st July, 1884.		1st July, 1884.				1st July, 1884.		64,448 96	

NOTE.—To be delivered when required, of which one month's notice will be given.



## TREATY No. 7—Continued.

## FARM SUPPLIES.

	Blackfoot Crossing. In Government Storehouse.	Amount.		Remarks. Description of Goods.
		Q'ty.	Rate.	
			\$ cts.	
Flour ..... lbs.	8,640	0 03 $\frac{1}{2}$	270 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon..... "	1,200	0 16 $\frac{1}{10}$	193 20	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Oatmeal ..... "	800	0 04	32 00	Kiln dried, first quality, in barrels.
Tea ..... "	384	0 28 $\frac{3}{4}$	110 40	Congou, equal to sample.
Sugar..... "	1,100	0 12	132 00	"Paris Lumps," in 50-lb. boxes, "Canada Sugar Refinery."
Rice ..... "	384	0 11	42 24	"Carolina," equal to sample.
Apples, evaporated... "	206	0 19 $\frac{1}{2}$	38 66	Evaporated, machine cut, not punched, in 50-lb. boxes.
Baking powder ..... "	32	0 54 $\frac{1}{2}$	17 53	Best quality, in $\frac{1}{2}$ -lb. tins.
Pepper, ground..... "	10	0 22 $\frac{1}{2}$	2 27	In $\frac{1}{2}$ -lb. tins. Black, first quality.
Salt ..... brls.	1	0 02 $\frac{1}{10}$	5 88	Fine Liverpool, or equal.
Soap ..... lbs.	192	0 14 $\frac{3}{10}$	28 60	English yellow.
Matches..... gro.	5	0 72	3 60	Eddy's "No. 1."
Coal oil ..... lbs.	195	.....	.....	} Water white, in 5-gall. cans, boxed and on axles. Imperial measure.
or Imp. gals.	25	0 95	23 75	
Machine oil ..... lbs.	60	.....	.....	} Best quality, black, in 2-gall. cans, boxed, and on axles. Imperial measure.
or Imp. gals.	7 $\frac{1}{2}$	1 08	8 10	
Syrup ..... lbs.	448	.....	.....	} Canada Sugar Refinery, "V. B.," in 2-gall. cans.
or Imp. gals.	32	1 08	34 56	
Hops ..... lbs.	50	0 37 $\frac{1}{10}$	18 55	Of the best quality, in $\frac{1}{2}$ -lb. packages.
Date of delivery.....	July 1, 1884.		961 34	

Telegram from Winnipeg to Robt. Sinclair.

OTTAWA, 15th May, 1884.

Note acceptance. Piegan's flour, if biscuits; Fort Macleod accepted. Will supply Fraser's diamond axle-grease, Fort Macleod, thirteen cents per box.

THOS. R. SMITH.

## TREATY No. 7—Concluded.

## TOOLS.

	Fort Macleod. In Government Storehouse.		Remarks. Description of Goods.
	Q'ty.	Rate.	
		\$ cts.	
Axle-grease ..... bxs.	144	0 13	Butler's. At rates corresponding to those quoted for Treaty No. 6.
Date of delivery.....	July 1, 1884.		

INDUSTRIAL SCHOOL.

	*Blackfoot Crossing. In Agency.		*Indian Head. In Government Storehouse.		Battleford. In Government Storehouse.		Amount.	Remarks. — Description of Goods.	
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.			
		\$ cts.		\$ cts.		\$ cts.	\$ cts		
†Flour.....lbs	18,200	0 03½	18,000	0 02½	18,070	0 04½	1,865 50	Fresh ground, equal to Strong Bakers', Toronto inspection, in sacks containing 100 lbs. of flour; the inner sack to be of unbleached cotton, the outer a gunny sack.	
†Bacon....."	1,000	0 16½	1,000	0 15½	1,000	0 18	492 50	New and sound, short clear or long clear, smoked and in sacks; weight of sack to be deducted; tender to quote a price for either or both of the above qualities of bacon.	
Tea....."	380	0 28½	300	0 27½	300	0 30	258 45	Congou, equal to sample.	
Sugar....."	550	0 12	550	0 11½	550	0 14½	206 24	"Paris Lumps" in 50-lb. boxes, Canada Sugar Refinery.	
Sugar....."	500	0 12	500	0 11½	500	0 14½	187 50	Or three brls., bright refined Muscovado, Canada Sugar Refinery.	
Packing powder....."	75	0 54½	75	0 53½	75	0 55½	125 52	Best quality, in ½-lb. tins.	
Salt....."	1	0 03½	1	0 02½	1	0 03½	32 80	"Fine Liverpool" in small bags.	
Appes....."	970	0 19½	950	0 18½	950	0 22½	569 36	Evaporated, machine cut, not punched, in 50-lb boxes.	
Rice....."	960	0 11	960	0 10½	960	0 12½	322 56	Carolina, equal to sample.	
Syrup....."	1,000	1 08	1,000	0 96	1,000	1 40	420 00	Canada Sugar Refinery "V. B." Equal to sample, in 5-gal- lon tins, each tin to contain 40-lbs. syrup.	
or Imp. gals	125		125		125				
Oatmeal.....lbs	1,000	0 04	4,000	0 03½	4,000	0 06½	544 00	Or 20 brls. Kiln dried, first quality.	
Matches.....gross	8	0 72	8	0 61	8	0 84	17 60	Eddy's "No 1."	
Pepper.....lbs.	5	0 22½	5	0 21½	5	0 26	3 50	In ½-lb. tins. Black, first quality.	
Soap....."	600	0 14½	600	0 14	600	0 17½	278 40	"English yellow."	
Hops....."	100	0 37½	100	0 36½	100	0 40½	113 45	In ½-lb packages; first quality.	
Dates of delivery.....	*See Note.						5,437 38		



## TREATIES NO. 6 AND 7.

## SUPPLIES FOR INDIAN DAY SCHOOLS.

	Blackfoot Crossing. In Gov't. Storehouse.			Fort Macleod In Gov't. Storehouse.			Carlton. In Gov't. Storehouse.			Battleford. In Gov't. Storehouse.			Snake Hills. In Gov't. Storehouse.			Edmonton. In Gov't. Storehouse.			Fort Pitt. In Gov't. Storehouse.			Amount	Remarks. — Description of Goods.
	Q'ty.	Rate.	\$ cts.	Q'ty.	Rate.	\$ cts.	Q'ty.	Rate.	\$ cts.	Q'ty.	Rate.	\$ cts.	Q'ty.	Rate.	\$ cts.	Q'ty.	Rate.	\$ cts.	Q'ty.	Rate.	\$ cts.		
Biscuits, sea or hard tack..lbs.	1,500	0 08½		4,500	0 10½		4,500	0 10½		4,500	0 10½		1,500	0 11½		1,500	0 11½		3,000	0 11½		1,747 50	Of the best quality. To be of the size and shape of soda biscuits. Each biscuit of uniform weight of 1 oz. or 2 ozs., and placed in extra strong boxes of 25 lbs. each. Fare to be marked on each box. Tenderers must send in a sample of the quality they intend to supply along with their tender.

The undersigned hereby agree with the Superintendent-General of Indian Affairs to deliver the above mentioned quantities of supplies to his agent or agents at the places, for the rates and on the dates as specified above, and of the quality and character as specified under the heading of Remarks.

For the Hudson Bay Company,

THOMAS R. SMITH.

We hereby agree to become sureties for the due fulfilment of the above, and will execute a contract to that effect when called upon by the Superintendent-General of Indian Affairs to do so.

J. A. F. GRAHAME, C.C.

L. K. PARSON, C.F.

\*NOTE.—None of the above mentioned supplies for Blackfoot Crossing or Indian Head to be delivered by the contractor until called for, and one month's notice will be given.

For Battleford the dates of delivery of flour and bacon to be delivered as follows :—

†Flour—50 sacks, 1st July, 1884; 132 sacks, 1st October, 1884.

‡Bacon and all remaining articles on 1st July, 1884.

When possible, the deliveries should be in unbroken and original packages, even although a slight discrepancy in weight may be the result.

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*No. 9.—Accepted.*

LONDON, ONT., 25th April, 1884.

SIR,—We enclose tender for 10 carts for Indian Head and 20 carts for Battleford, at \$42 and \$52 each, delivered as per tender, amounting to \$1,460. We also enclose accepted cheque for 10 per cent. of the value, and furnish sureties—John Campbell, manufacturer, and A. B. Powell & Co., dry goods merchants, both of this city.

Hoping our tender will receive favorable consideration,

We remain, &c.,

THOMAS WRIGHT & Co.

L. VANKOUGHNET, Esq.,

Deputy Superintendent-General of Indian Affairs, Ottawa.

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## TREATY No. 6 AND PART OF TREATY No. 4.

## AGRICULTURAL IMPLEMENTS.

*Carts.*

Red River hay cart, with strong oak wheels, tired and bushed; iron bands on hubs; oak axle without iron; long shafts for oxen, and square axle.

10 at \$42 each, delivered at Indian Head; 20 at \$52 each, delivered at Battleford. Total amount of cost laid down, \$1,460.

Carts guaranteed manufactured by John Campbell, carriage maker, of London, Ont.

JAMES WRIGHT & Co.,

*Hardware Merchants, London, Ont.*

JOHN CAMPBELL.

A. B. POWELL.



*No. 11.—Accepted.*

OTTAWA, 30th April, 1884.

SIR,—We herewith enclose our tender for part of the supplies required by your Department. We have added up the total amount of our tender, and enclose an accepted cheque on the Bank of Ottawa for one-tenth the amount, and beg to state that should our tender be accepted we will supply the articles equal in every respect to the samples submitted by us. Trusting our tender may receive your favorable consideration.

Respectfully yours,

S. &amp; H. BORBRIDGE.

L. VANKOUGHNET, Esq.,

Deputy of the Minister of Indian Affairs.

Amount of cheque enclosed, \$218.

Amount tendered for by S. &amp; H. Borbridge—

On page 2.....	\$ 29 60
“ 17.....	746 00
“ 18.....	129 60
“ 19.....	365 50
“ 21.....	72 00
“ 32.....	830 00
	<u>\$ 2,172 70</u>

(10 per cent. of this amount, \$217.27.)

## TREATY No. 2.

Two sets ox harness (Borbridge's pattern, complete with collars, &c.)  
delivered at Ebb and Flow Lake, at \$14.80.....\$29 60

No. 1. Full lined blanket, with girth and crupper.....	\$1.50 and \$4 60
2. Three-quarter lined blanket, no girth.....	2 80
3. Full lined blanket, with girth.....	3 06
4. “ “ “ .....	3 35
5. “ “ “ .....	3 15
6. Three-quarter lined blanket, no girth.....	2 45
7. “ “ “ .....	2 50
8. “ “ “ .....	2 89
9. “ “ with girth.....	4 35

We submit samples of different kinds of blankets. Can supply ordinary ox hames at \$1.97 per pair.

## TREATY No. 6 AND PART OF TREATY No. 4.

## HARNESSES.

	Birtle. In Govt. Storehouse		Indian Head. In Govt. Storehouse		Battleford. In Govt. Storehouse		Indian Head.		Battleford.		Amount.	Remarks. Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		
Double harness for team horses.....sets.	.....	56 00	.....	56 00	.....	57 00	.....	.....	.....	.....	.....	Concord pattern, complete, good material and workmanship.
Plough harness....."	.....	22 50	.....	23 00	.....	23 50	.....	.....	.....	.....	.....	For large horses, like the sample.
Pony plough harness....."	.....	21 50	.....	22 00	.....	22 50	.....	.....	.....	.....	.....	Equal to the sample.
Ox do....."	.....	16 50	.....	17 00	.....	17 50	.....	.....	.....	.....	do	
Ox cart harness....."	.....	.....	20	14 50	20	14 80	.....	14 50	.....	14 80	586 00	Saddle and breechings, same as sample, with hames with draft to raise or lower to suit the animal, and leather tugs 21 inches long, with tug pins and tug pin straps.
Ox hames.....prs.	.....	.....	.....	.....	8	2 55	.....	.....	.....	.....	20 40	Borbridge's pattern ox hames, with draft to raise or lower.
Nose bags.....prs.	.....	1 75	.....	1 75	8	2 00	.....	.....	.....	.....	10 00	Equal to sample.
Sweat collars.....prs.	.....	.....	12	.....	.....	.....	.....	1 60	.....	1 25	19 20	Square halters with straps and bits.
Halter bridles.....	.....	.....	12	.....	.....	.....	.....	4 50	.....	4 60	110 40	London sheets, 6 feet by 6 feet, shaped, strapped across chest, and long straps and buckle inside rear part of belly.
Horse blankets.....	.....	.....	12	.....	12	.....	.....	.....	.....	.....	746 00	

## AGRICULTURAL IMPLEMENTS.

Chains (trace), pairs of .....	20		100		1 08		Aug. 1, '84.		Aug. 1, 1884.		Aug. 1, '84.		Aug. 1, '84.		Aug. 1, '84.		Long trace chains, half twist in links, 7 feet long, weighing 8 lbs. each pair.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	
Dates of delivery .....																	

We can supply ox cart harness with a common collar, hames and chain, with tug pin much cheaper; also supply saddle and breeching, same as sample, with hames tugs only, or pins, Indian Head, \$101; at Battleford, \$101.50.



TREATY No. 6 AND PART OF TREATY No. 4—*Continued.*AGRICULTURAL IMPLEMENTS—*Concluded.*

	Indian Head. In Gov. Storehouse.		Battleford. In Gov. Storehouse.		Amount	Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.		
Whiffletrees and double-trees.....sets	50	\$ cts. 5 75	12	\$ cts. 6 50	\$ cts. 365 50	With additional large clevis for double-tree; each set to be attached together, and of the usual size and strength for $3\frac{1}{2}$ skein waggon.
Dates of delivery.....	Aug. 1, 1884.		Aug. 1, 1884.			

## TOOLS.

	Indian Head. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Q'ty.	Rate.		
Rope .....lbs.	100	\$ cts 0 32	\$ cts 32 00	$\frac{5}{8}$ -inch cotton, suitable for plough lines. $\frac{3}{4}$ -inch Manilla.
do ..... "	200	0 20	40 00	
Date of delivery.....	Aug. 1, 1884.		72 00	

## INDUSTRIAL SCHOOLS.

Description. Clothing.	Blackfoot Crossing Indian Agency		Indian Head Storehouse.		Battleford Industrial School.		Blackfoot Crossing.		Indian Head		Battleford.		Amount	Remarks. Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
Brogans, kip, not split leather. prs.	50	Peg'd \$3 75	50	Peg'd \$3 75	50	Peg'd \$3 75	.....	Sewn \$4 25	.....	Sewn \$4 25	.....	Sewn \$4 25	\$ cts.	Oxford tie, welt sole; 3 sample pairs of both pegged and sewed. Moccasin shape, assorted sizes, for boys from 6 to 16 years of age; 3 sample pairs required.
Shoepacks. ....	70	10 00	70	10 00	70	10 00 doz.	.....	.....	.....	.....	.....	.....	192 50	
do oil. " tanned.	.....	11 00	.....	11 00	.....	11 00	.....	.....	.....	.....	.....	.....	830 00	
Dates of delivery	July 1, 1884.		July 1, 1884.		July 1, 1884.		.....		.....		.....			

We supply samples of both sewn and pegged boots, made of best English oak-tanned leather.

We supply samples of shoepacks, beef skin; also, one pair as sample of the leather in oil-tanned, which we will supply at \$11.00 per dozen. These are extra quality of moccasins.



[No. 12—Accepted in part.]

## TREATY No. 4—QU'APPELLE DISTRICT.

## PROVISIONS FOR DESTITUTE INDIANS.

—	Indian Head. In Govt. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.		
Flour .....lbs.	365,000	\$ cts. 3 09	\$ cts. 11,278 50	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour; the inner sack to be of unbleached cotton, the outer one a gunny.
*Bacon, long clear.... "	120,000	0 14½	16,950 00	New and sound, short clear and long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Date of delivery.....	Aug. 1, 1884.		28,228 50	

\* Short clear, 14½c.—\$17,400.

## PAYMENT PROVISIONS.

Flour..... lbs.	32,000	3 09	988 80	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour; the inner sack to be of unbleached cotton, the outer one a gunny.
*Bacon, long clear.... "	4,000	0 14½	565 00	New and sound, short clear and long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea ..... "	1,000	0 36	360 00	Congou, equal to samples.
Sugar ..... "	1,000	0 12½	125 00	"Paris lump," Canada Sugar Refining Co.
Tobacco..... "	500	0 36	180 00	Equal to sample.
Date of delivery.....	Aug. 1, 1884.		2,218 80	

\* Short clear, 14½c.—\$580.

## FARM SUPPLIES.

Flour ..... lbs.	10,400	3 09	321 36	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. flour; the inner sack to be of strong unbleached cotton, and the outer a gunny sack.
*Bacon, long clear.... "	6,935	0 14½	975 57	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Rice ..... "	342	0 06½	23 08	Carolina, equal to sample.
Tea, 4 half chests, each about 65 lbs. net.	260	0 36	93 60	Congou, equal to sample.
Sugar ..... "	1,400	0 12½	75 00	"Paris lump," in 50-lb. boxes, Canada Sugar Refinery.
Hops..... "	50	0 38	19 00	Of best quality, in ½-lb. packages.
Pepper, ground..... "	20	0 24	4 80	Black, first quality, in ½-lb. tins.
Matches..... gross	4	0 85	3 40	Rddy's "No. 1."
Coal oil ..... Imp. galls.	60	0 65	39 00	Water white, in 5-gallon cans, boxed, and on axles.
Machine oil..... "	120	1 60	192 00	Black, best quality, in 5-gallon cans, boxed, and on axles.
Syrup ..... "	50	1 35	67 00	Canada Sugar Refinery, "V.B.," in 2-gallon cans.
Apples..... lbs.	300	0 13	39 00	Best quality, evaporated, in 50-lb. boxes, machine cut, not punched.
Date of delivery.....	Aug. 1, 1884.		1,857 31	

\* Short clear, 14½c.—\$1,005.57.

**TREATY No. 4—QU'APPELLE DISTRICT—Concluded.**  
**AMMUNITION.**

	Indian Head. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Quantity.	Rate.		
Powder.....lbs.	800	0ts.	\$ cts.	
Shot....."	3,000	30	240 00	F.F.F.
Gun caps.....M.		08½	255 00	Number 4.
Ball.....lbs.	200	90		
		10½	21 00	Trade ball.
Date of delivery.....	August 1, 1884.		576 00	

**TREATY No. 7.**  
**FLOUR FOR DESTITUTE INDIANS.**

	Piegan Reservation. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Quantity.	Rate.		
Flour.....lbs.	97,500	\$ cts. 3 47	\$ cts. 6,766 50	
Dates of delivery...	July 1,'84, 300 sacks Sept. 1,'84, 300 " Nov. 1,'84, 375 "			Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.

The undersigned hereby agree with the Superintendent-General of Indian Affairs to deliver the above-mentioned quantities of supplies to his agent or agents at the places, for the rates, and on the dates as specified above, and of the quality and character as specified under the heading of Remarks, and do further agree to furnish in addition, if required, at the same places, additional supplies in any quantities required of same description and quality and at same rates, provided notice of such requirement be given, and will execute a formal contract in pursuance hereof.

**T. C. POWER & BRO.,**  
*Maple Creek, N.W.T.*

We hereby agree to become sureties for the due fulfilment of the above, and will execute a contract to that effect when called upon by the Superintendent-General of Indian Affairs to do so.

**D. W. MARSH,**  
**T. C. POWER.**



[No. 14—Accepted.]

TORONTO, 29th April, 1884.

DEAR SIR,—Enclosed we beg to hand you tender for supplies for Industrial School. We enclosed samples in three different cases, as we thought, from the wording of the tender, that they would have to go to three different places for examination.

We are short four samples. The agate vegetable dishes and oval dish pans will not arrive soon enough to have them in in time; the mop stick is a common article, and as we could not get it in the case, we left it out, but we have tendered for the best one made; the brush and mop holder; also the Russia iron meat dishes.

P.S.—Enclosed cheque for \$113.00, being 10 per cent. of total amount as required.

Yours, &c.,

NOAH L. PIPER & SON.

L. VANKOUGHNET, Esq.,

Deputy Supt.-Genl. Indian Affairs, Ottawa.

## INDUSTRIAL SCHOOL.

Description. Miscellaneous.	Blackfoot Crossing. Indian Agency.		Indian Head. In Gov. Storehouse.		Battleford Industrial School.		Blackfoot Crossing.		Indian Head. In Gov. Storehouse.		Battleford Industrial School.		Amount.	Remarks. Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
Brushes (hair) ..... each.	36	0 46	36	0 46	36	0 48	36	0 48	16 56	17 28	17 28	50 40	Good quality—medium size.	
Cups and saucers..... doz.	4	5 50	4	5 50	4	5 60	4	5 60	22 07	22 40	22 40	66 40	Agate ware, "L. and G."	
Combs (dressing)..... "	3	6 72	3	6 72	3	0 74	3	0 74	2 16	2 22	2 22	6 54	7 inches, extra strong horn.	
do (fine)..... "	3	0 31	3	0 31	3	0 32	3	0 32	0 93	0 96	0 96	2 84	Rubber, 2½ inches.	
Flesh forks, 12 in..... each.	6	0 11	6	0 11	6	0 11	6	0 11	0 66	0 72	0 72	18 6	12 inches tinned iron.	
Knives and forks (steel). doz.	4	1 45	4	1 45	4	1 75	4	1 75	5 80	5 80	7 00	28 20	iron handles. French forks.	
do (carvers each.	6	1 55	6	1 55	6	1 60	6	1 60	9 30	9 30	9 60	17 40	Buckhorn handles—riveted—"Joseph Rogers and Son."	
do butcher..... "	6	0 95	6	0 95	6	1 00	6	1 00	5 70	5 70	6 00	17 40	Best quality, 12 inches handles.	do cocoa
Lamps, bracket..... "	6	1 15	6	1 15	4	1 20	4	1 20	6 90	4 80	4 80	13 40	"B" sunburner, flat font with filler.	
do stand..... "	6	0 95	6	0 95	2	1 00	2	1 00	5 70	2 00	2 00	13 40	"A 1" flint for "B" sunburner.	
do chimneys..... "	12	0 90	12	0 90	12	0 95	12	0 95	10 80	11 40	11 40	33 00	"B" American cotton, suitable for lamps and burners above.	
do wicks, No. 1..... "	54	0 55	54	0 55	54	0 60	54	0 60	0 55	0 60	0 60	1 70	Strong, 27 yds. wick with each, "J. H. Stone's improved,"	
Lantern, stable..... "	2	0 90	2	0 90	2	1 00	2	1 00	1 80	2 00	2 00	5 60	10 x 32 10 x 14, Ewing and Cunningham's "D."	
*Looking glasses..... "	12	0 28	12	0 28	12	0 30	12	0 30	3 36	3 60	3 60	10 32	10 x 14, Ewing and Cunningham's "D."	
Meat or side dishes..... "	4	1 40	4	1 40	4	1 50	4	1 50	5 60	6 00	6 00	17 20	Russian iron, 26 gauge, size 18 x 14.	
Mop sticks..... "	12	0 18	12	0 18	12	0 20	12	0 20	2 16	2 40	2 40	6 72	Best quality.	
Oval dish pans..... "	2	1 87	2	1 87	2	2 00	2	2 00	3 74	4 00	4 00	11 48	Agate ware, 15 qt., 13 x 17 x 5½ inches.	
Oil cans..... "	6	0 35	6	0 35	6	0 40	6	0 40	2 10	2 40	2 40	6 60	Best quality, quarts, for filling lamps.	
Plates, dinner..... doz.	4	2 85	4	2 85	4	2 95	4	2 95	11 40	11 80	11 80	26 05	Agate ware, 3¼ x 1 inch.	
do soup..... "	4	4 20	4	4 20	4	4 30	4	4 30	16 80	17 20	17 20	50 80	do 9¾ x 1½ do	
Porridge pots, double..... each.	2	1 56	2	1 56	2	1 62	2	1 62	3 12	3 24	3 24	9 48	One gal. inside measurement; made of "25" tin sheets.	
Soup ladles..... "	4	0 10	4	0 10	4	0 12	4	0 12	0 40	0 48	0 48	1 28	Retinned, 4 inches, riveted handles.	
*Stoves, cooking..... "	1	150 00	1	150 00	.....	.....	.....	.....	150 00	.....	.....	300 00	"St. Nicholas" for wood or coal, No. 10, fire-box 35 inches. Elevated tinned copper (D x tin) reservoir 40 galls. For description of stove furniture, see page 40.	
do box..... "	4	10 00	4	10 00	.....	.....	.....	.....	40 00	.....	.....	80 00	Description to be submitted.	
do pipes..... links.	100	20 00	100	20 00	.....	.....	.....	.....	20 00	.....	.....	40 00	7 inches, "pen" quality.	
do elbows..... each.	20	0 40	20	0 40	.....	.....	.....	.....	8 00	.....	.....	16 00	7 inches.	
Scrubbing brushes..... doz.	3	2 10	3	2 10	3	2 20	3	2 20	6 30	6 60	6 60	19 20	Fibre, "No. 3" size.	
Spoons, table..... "	4	3 20	4	3 20	4	3 25	4	3 25	12 80	13 00	13 00	38 60	"Nevada."	
do tea..... "	4	1 25	4	1 25	4	1 30	4	1 30	5 00	5 20	5 20	15 20	do	





## INDUSTRIAL SCHOOLS—Continued.

[No. 15.—Accepted.]

Description. Clothing.	Blackfoot Crossing Indian Agency.		Indian Head. In Government Storehouse.		Battleford Industrial School.		Blackfoot Crossing.	Indian Head. In Gov. Storehouse.		Battleford Industrial School.	Amount.	Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.		Q'ty.	Rate.			
		\$ cts.		\$ cts.		\$ cts.			\$ cts.		\$ cts.	
Comforters.....	50	0 38	50	0 38	50	0 40	19 00	18 00	20 00	20 00	57 00	Good quality ; 3 samples, say at \$6 per dozen.
Mitts, woollen.....pairs.	100	0 32	100	0 32	100	0 33	32 00	32 00	33 00	33 00	97 00	Assorted sizes, 5, 6, 7 ; 3 samples, say \$4 per dozen.
Socks do .....	140	0 26	140	0 25	140	0 27	36 40	35 00	37 80	37 80	109 20	Assorted sizes, 6 to 9 inches ; 3 samples, say \$4 per dozen.
Underclothing—												
Shirts, flannel.....	70	0 68	70	0 66	70	0 70	47 60	46 20	49 00	49 00	142 80	Grey, Canadian manufacture, assorted sizes for boys from 6 to 16 years of age ; 3 sample pairs required. do
Drawers, flannel..pairs.	70	0 68	70	0 66	70	0 70	47 60	46 20	49 00	49 00	142 80	do do
Dates of delivery.....	July 1, 1884.		July 1, 1884.		July 1, 1884.		182 60	177 40	188 80	188 80	548 80	



Description. — Dry Goods.	Blackfoot Crossing, Indian Agency		Indian Head, In Gov. Storehouse.		Battleford Industrial School.		Blackfoot Crossing.		Indian Head, Gov. Storehouse.		Battleford Industrial School.		Amount.		Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	\$	cts.	
Buttons, trouser.....gross.	6	\$ 0 25	6	\$ 0 25	6	\$ 0 25	6	\$ 0 25	6	\$ 0 25	6	\$ 0 25	4 50		Four-hole, bone.
do shirt....." "	3	0 06	3	0 06	3	0 06	3	0 06	3	0 06	3	0 06	0 54		Porcelain.
Blankets, grey.....pairs.	70	7 80	70	7 70	70	8 00	70	8 00	70	8 00	70	8 00	1,645 00		Grey Oregon, 64x88 in., 8 lbs. per pair.
do d/k. blue " "	18	7 80	18	7 70	18	8 00	18	8 00	18	8 00	18	8 00	423 00		Blue do do Or H. B. Co. "4 point," of the required colors, or the English army hospital blanket.
Cotton, unbleached. yds.	100	0 12 $\frac{3}{4}$	100	0 13 $\frac{1}{4}$	100	0 13 $\frac{3}{4}$	100	0 13 $\frac{3}{4}$	100	0 13 $\frac{3}{4}$	100	0 13 $\frac{3}{4}$	38 75		36-inch, good quality.
Duck, brown....." "	300	0 19	300	0 18	300	0 20	300	0 20	300	0 20	300	0 20	171 00		8-ounce.
Flannel, grey. ....	200	0 32	200	0 32	200	0 33	200	0 33	200	0 33	200	0 33	194 00		Good "All wool," Canadian manufacture, 4-ounce, 26 inches in width.
Full cloth (Canada). " "	300	0 54	300	0 52	300	0 56	300	0 56	300	0 56	300	0 56	486 00		Etoffe du pays, all wool, heavy.
Needles.....only.	1000	1 10	1000	1 10	1000	1 10	1000	1 10	1000	1 10	1000	1 10	3 30		Assorted, 3 to 10.
Pocket handkerch'fs.doz.	6	1 00	6	1 00	6	1 05	6	1 05	6	1 05	6	1 05	18 30		Colored, fancy print, animals, &c.
Sheeting, cotton, unbleached.....yds.	300	0 28	300	0 27	300	0 30	300	0 30	300	0 30	300	0 30	255 00		2 yards wide, good quality.
Towelling....." "	225	0 10 $\frac{1}{2}$	225	0 10	225	0 11	225	0 11	225	0 11	225	0 11	70 88		Linen, 16 inches wide.
do tea....." "	50	0 11	50	0 10 $\frac{1}{2}$	50	0 11 $\frac{1}{2}$	50	0 11 $\frac{1}{2}$	50	0 11 $\frac{1}{2}$	50	0 11 $\frac{1}{2}$	16 50		Linen, good quality.
Tape.....gross.	1	0 70	1	0 70	1	0 70	1	0 70	1	0 70	1	0 70	2 10		Twilled do
Thread, linen sp'la." "	2	11 60	2	11 40	2	12 00	2	12 00	2	12 00	2	12 00	70 00		Finleyson & Bunsfield, 3 cords, 200 yards fall, Nos. 40, 50 and 60.
Ticking.....yds.	200	0 22	200	0 21	200	0 23	200	0 23	200	0 23	200	0 23	132 00		Striped cotton, 8-ounce.
Dates of delivery.....	July 1, 1884.		July 1, 1884.		July 1, 1884.		July 1, 1884.		July 1, 1884.		July 1, 1884.		3,530 87		
													1,212 03		
													1,171 96		
													1,146 88		

MONTREAL, 30th April, 1884.

SIR,—We have the honor to enclose you herewith our cheque for \$408, being 10 per cent. upon the amount of our tender for dry goods wanted by the Department of Indian Affairs. The tender is contained in schedule attached hereto, pages 32 and 33. We also attach statement of the total money value of the goods we offer to supply.

Awaiting your favorable consideration,

We have, &amp;c.,

J. Y. GILMOUR &amp; CO.

L. VANKOUGHNET, Esq.,

Deputy of the Supt.-General of Indian Affairs,  
Ottawa.

MONTREAL, 30th April, 1884.

To J. Y. GILMOUR &amp; Co., Dr.

Amount of page 32.....	\$ 548 80
do 33.....	3,530 87
	<u>\$ 4,079 67</u>

L. VANKOUGHNET, Ottawa.

MONTREAL, 30th April, 1884.

DEAR SIR,—By this mail we send to L. Vankoughnet, Esq., the book containing our tender for the dry goods wanted by your Department. We also send him our accepted cheque for \$408. Sample prices and samples go up by this afternoon's express, addressed to Mr. Vankoughnet. We hope all will be received in good time.

We send a brown, mixed wool under-shirt; we can give same quality in blue, mixed, if color sent don't suit.

We also send two lines in ticking to choose from. If tender is accepted, please say which number is wanted.

We would have tendered for the barbed wire fencing also had we known the cost of cartage to Fort McLeod from railroad station. If you can wire what the cost would be, and it is not too late, we could mail sample and price to-morrow, and you would get it Friday.

Re socks. If smaller sizes than sample sent will answer, we can do them at about 2 cents a pair less. The same applies to the mitts.

Shall be pleased to hear from you.

Yours, &amp;c.,

J. Y. GILMOUR &amp; CO.

T. PAGE WADSWORTH, Esq.

[No. 1.—Unaccepted.]

## TREATY No. 7.

## PROVISIONS FOR DESTITUTE INDIANS.

	Blood Reservation, Belly River. In Government Storehouse.		Piegan Reservation. In Government Storehouse.		Blackfoot Crossing. In Government Storehouse.		Sarcee Reservation. In Government Storehouse.	
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.
Beef..... lbs.	237,250	14½ Cts.	82,125	15 Cts.	200,750	15½ Cts.	41,063	17 Cts.
Date of delivery commences on ....	July 1, 1884.		July 1, 1884.		July 1, 1884.		July 1, 1884.	



[No. 5—Unaccepted.]

LONDON, ONT., 29th April, 1884.

DEAR SIR,—Herewith you will find tender for Indian supplies, amounting to one hundred and eighty-four thousand and thirty-eight dollars and seventy-one and a-half cents (\$184,038.71½), also an accepted cheque on the Federal Bank of Canada for eighteen thousand five hundred dollars.

We have, &amp;c.,

J. &amp; C. COUGHLIN.

L. VANKOUGHNET, Esq.,

Dep. Supt.-Genl. of Indian Affairs, Ottawa.

## TREATY No. 4—QU'APPELLE DISTRICT. .

## PROVISIONS FOR DESTITUTE INDIANS.

—	Birtle. In Gov. Storehouse.		Indian Head. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Quantity.	Rate.	Quantity.	Rate.		
Flour .....lbs	15,000	Cts. 05½	365,000	Cts. 04	\$ cts. 15,881 25	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour; the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon, long clear... "	2,500	17½	120,000	15½	19,031 25	New and sound, short clear and long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
					34,912 50	

## PAYMENT PROVISIONS.

—	Birtle. In Gov. Storehouse.		Indian Head. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Quantity.	Rate.	Quantity.	Rate.		
Flour .....lbs.	11,200	Cts. 05½	32,000	Cts. 04½	\$ cts. 1,936 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour; the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon. .... "	1,400	17½	4,000	15½	861 50	New and sound, short clear and long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea. .... "	350	50	1,000	46	635 00	Congou, equal to sample.
Sugar. .... "	350	16	1,000	14	196 00	"Paris Lump," Canada Sugar Refining Co.
Tobacco. .... "	175	58	500	52	361 50	Equal to sample.
					3,990 00	

TREATY No. 4—Concluded.

FARM SUPPLIES.

	Indian Head. In Govt. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.		
		\$ cts.	\$ cts.	
Flour..... lbs.	10,400	0 04½	429 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer one a gunny sack.
Bacon, long clear..... "	6,935	0 15½	1,074 92½	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Rice .....	342	0 12	37 44	Carolina, equal to sample.
Tea, 4 half chests, each .....	260	0 46	119 60	Congou, equal to sample.
Sugar..... "	1,400	0 14	196 00	" Paris lump," in 50-lb. boxes, Canada Sugar Refinery.
Hops..... "	50	1 00	50 00	Of best quality, in ¼-lb. packages.
Pepper, ground..... "	20	0 50	10 00	Black, first quality, in ¼-lb. tins.
Matches ..... gross	4	1 25	5 00	Eddy's No. 1.
Coal oil ..... lbs.	475.20 100	0 10	47 52	Water white, in 5-gallon cans, boxed, and on axles.
Machine oil..... "	120	0 25	30 00	Black, best quality, in 5-gallon cans, boxed, and on axles.
Syrup..... "	700	0 12	84 00	Canada Sugar Refinery, "V.B.," in 2-gallon cans.
Apples ..... "	300	0 26	78 00	Best quality, evaporated, in 50-lb. boxes, machine cut, not punched.
Date of delivery.....	Aug. 1, 1884.		2,161 48½	

Tare to be  
legibly  
marked on  
each package.

TREATY NO. 6.





TREATY No. 6—Concluded.  
FARM SUPPLIES.

	Carlton. In Government Storehouse.		Bathford. In Government Storehouse.		Fort Pitt. In Government Storehouse. Indian Farm, No. 14.		Edmonton. In Government Storehouse.		Amount.	Remarks.
	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.		
Flour..... lbs.	2700	0 03½	3200	0 08	2700	0 09½	5400	0 08½	\$ 1,221 25	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour; the inner sack to be unbleached cotton, the outer one a gunny.
Bacon, long clear..... "	1825	0 19½	2190	0 19½	1825	0 21	3650	0 19½	1,887 05	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Oatmeal..... "	250	0 13	300	0 13	250	0 14	500	0 14	176 50	Kiln dried, first quality.
Tea..... "	120	0 55	180	0 53	120	0 56	240	0 55	360 60	Congou, equal to sample.
Sugar..... "	350	0 19	450	0 18	350	0 21½	700	0 19½	359 25	Canada Sugar Refinery, "Paris Lump," in 50-lb. boxes.
Rice..... "	120	0 16	144	0 16	120	0 16	240	0 17	102 24	Carolina, as per sample.
Baking powder..... "	10	0 50	10	0 50	10	0 50	20	0 50	25 00	Of the best quality, in ½-lb. tins.
Pepper, ground..... "	10	0 50	10	0 50	10	0 50	10	0 50	20 00	Black, first quality, in ½-lb. tins.
Salt..... brls.	1	17 00	1	17 00	1	18 00	1	17 00	69 00	Fine Liverpool or equal.
Soup..... lbs.	60	0 16	60	0 16	60	0 18	120	0 16	49 20	English yellow.
Matches..... gross	3	1 25	3	1 25	3	1 25	6	1 25	18 75	Eddy's "No. 1."
Coal oil..... lbs.	118	60	118	60	118	60	137	20	69 30	Water white, in 5-gallon cans, boxed, and on axles.
Machine oil..... lbs.	40	0 25	40	0 25	40	0 25	80	0 25	50 00	Best quality do
Syrup..... lbs.	140	0 15	196	0 15	140	0 17	280	0 16	119 00	Canada Sugar Refinery, "V.B.," in 2-gallon cans.
Hops..... lbs.	15	1 10	15	1 05	15	1 10	30	1 10	81 75	Of the best quality, in ½-lb. packages.
Apples..... "	100	0 29	150	0 29	100	0 31	150	0 30	148 50	Best quality, evaporated, in 50-lb. boxes, machine cut, not punched.
Beans..... "							200	0 11	22 00	Best quality white bean.
Dates of delivery.....	Aug. 1, 1884.		Aug. 1, 1884.		Aug. 1, 1884.		Aug. 15, 1884.		4,769 39	

NOTE.—Whenever it is practicable, tea, sugar and tobacco should be delivered in unbroken and original packages, the former in half chests, even when a slight difference in weight may occur from that cause.



## TREATY No. 7.

## FARM SUPPLIES.

	Fort MacLeod. In Govern- ment Storehouse.		Blackfoot Cross- ing. In Gov't. Storehouse.		Amount.	Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.		
		\$ cts.		\$ cts.	\$ cts.	
Flour..... lbs.	8,640	0 05½	8,640	0 04½	885 60	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks containing 100 lbs. of flour, the inner sack to be of unbleached cotton, the outer a gunny sack.
Bacon, long cl'r "	1,200	0 17½	1,200	0 16	399 00	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Oatmeal..... "	800	0 11	800	0 10	168 00	Kiln dried, first quality, in barrels.
Tea..... "	384	0 48	384	0 47	364 80	Congou, equal to sample.
Sugar..... "	1,100	0 15½	1,100	0 14½	332 75	"Paris lump," in 50-lb. boxes, Canada Sugar Refinery.
Rice..... "	384	0 14	384	0 13	103 68	Carolina, equal to sample.
Apples, evaporated..... "	200	0 28	200	0 27	110 00	Evaporated, machine cut, not punched, in 50-lb. boxes.
Baking powder. "	32	0 50	32	0 50	32 00	Best quality, in ½-lb. tins.
Pepper, ground "	10	0 50	10	0 50	10 00	In ½-lb. tins; black, first quality.
Salt..... brls.	1	11 80	1	8 00	19 00	Fine Liverpool, or equal.
Soap..... lbs.	192	0 15	192	0 14	55 68	English yellow.
Matches.. gross	5	1 25	3	1 25	12 50	Eddy's "No. 1."
Coal oil..... lbs.	195	0 10	195	0 10	39 00	Water white, in 5-gallon cans, boxed and on axles; Imperial measure.
Machine oil..... lbs.	60	0 25	60	0 25	30 00	Best quality, black, in 2-gallon cans, boxed and on axles; Imperial measure.
Syrup..... lbs.	448	0 14	448	0 13	120 96	Canada Sugar Refinery, "V.B.," in 2-gallon cans.
Hops..... lbs.	50	1 05	50	1 00	102 50	Of the best quality, in ½-lb. packages.
Dates of delivery	July 1, 1884.		July 1, 1884.		2,785 47	

TREATY No. 7—Continued.  
ANNUITY PAYMENT—PROVISIONS.

	Blood Reservation, Belly River. In Gov. Storehouse.		Piegan Reservation. In Gov. Storehouse.		Blackfoot Crossing. In Gov. Storehouse.		Monteville. In Gov. Storehouse.		Calgary or Sarssee Reservation. In Gov. Storehouse.		Amount.	Remarks.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.		
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		Description of Goods.
Flour.....lbs.							4,800	0 06½			252 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Tea....."	650	0 48	225	0 48	550	0 47	150	0 48	112	0 48	804 26	Congou, equal to sample.
Sugar....."	650	0 15½	250	0 15½	550	0 14¾	150	0 15	100	0 15½	258 6½	Canada Sugar Refining Co., "Paris Lump," in 50-lb. boxes.
Tobacco....."	325	0 55	113	0 55	275	0 53	75	0 53	56	0 55	457 20	Equal to sample.
Dates of delivery	July 1, 1884.		July 1, 1884.		July 1, 1884.		See Note.		July 1, 1884.		1,772 08½	

## PROVISIONS FOR DESTITUTE INDIANS.

	Blood Reservation, Belly River. In Gov. Storehouse.		Piegan Reservation. In Gov. Storehouse.		Blackfoot Crossing. In Gov. Storehouse.		Monteville. In Gov. Storehouse.		Calgary or Sarssee Reservation. In Gov. Storehouse.		Amount.	Remarks.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.		
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		Description of Goods.
Flour.....lbs.	195,000	0 05½	97,500	0 05½	195,900	0 04½			40,000	0 05	27,593 75	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon, long clear....."	118,624	0 11½	41,062	0 17½	100,374	0 16			20,531	0 17½	48,145 31	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of these qualities of bacon.
Tea....."	1,000	0 48	500	0 48	1,000	0 47			300	0 48	1,334 00	Congou, equal to sample.
Tobacco....."	500	0 55	300	0 55	500	0 53			150	0 55	787 50	Equal to sample.
											77,860 56	

NOTE.—To be delivered when required, of which one month's notice will be given.





TREATIES Nos. 6 AND 7.  
SUPPLIES FOR INDIAN DAY SCHOOLS.

—	Blackfoot Crossing. In Gov't. Storehouse.		Fort Macleod In Gov't. Storehouse.		Carlton. In Gov't. Storehouse.		Battleford. In Gov't. Storehouse.		Snake Hill. In Gov't. Storehouse.		Edmonton. In Gov't. Storehouse.		Fort Pitt. In Gov't. Storehouse.		Amount	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
Biscuits, sea or hard tack..lbs	1,500	\$ 0 13 $\frac{3}{4}$	4,500	\$ 0 14 $\frac{1}{2}$	4,500	\$ 0 18 $\frac{1}{2}$	4,500	\$ 0 17 $\frac{1}{2}$	1,500	\$ 0 20	1,500	\$ 0 18 $\frac{1}{2}$	3,000	5 cts.	\$ 3 65 $\frac{25}{100}$	Of the best quality. To be of the size and shape of soda biscuits. Each biscuit of uniform weight of 1 oz. or 2 ozs., and packed in extra strong boxes of 25 lbs. each. Tare to be marked on each box. Tenderers must send in a sample of the quality they intend to supply along with their tender.
Date of Delivery.	July 1, 1884.		July 1, 1884.		July 1, 1884.		July 1, 1884.		July 1, 1884.		July 1, 1884.		July 1, 1884.			



[No. 6—Unaccepted.]

WINNIPEG, 25th April, 1884.

SIR,—I beg to enclose herewith tenders for Indian supplies, with cheque duly marked by the Manager Federal Bank for \$18,000, being a little over the required 10 per cent. of amount of tenders, viz., \$179,201.69.

If I am awarded the contract, kindly wire the fact at my expense.

Samples marked A.M. mailed to-day.

I have, &c.,

A. MACDONALD.

L. VANKOUGHNET, Esq.,

Deputy Superintendent General Indian Affairs, Ottawa.

### TOTALS OF SUPPLY TENDERS.

			\$	cts.
Destitute Indians.....	Treaty	4.....	34,706	25
Payment Provisions.....	do	4.....	3,428	56
Farm Supplies.....	do	4.....	2,024	72
Ammunition and Twine.....	do	4.....	817	90
Harness .....	do	4 and 6.....	449	00
Annuity Payment Provisions.....	do	6.....	8,928	94
Destitute Indians.....	do	6.....	32,571	50
Farm Supplies.....	do	6.....	4,326	97
Ammunition and Twine.....	do	6.....	1,457	25
Annuity Payment Provisions.....	do	7.....	1,476	73
Farm Supplies.....	do	7.....	2,406	99
Destitute Indians.....	do	7.....	78,288	81
Industrial Schools.....	do	.....	6,134	32
Indian Day School.....	do	6 and 7.....	2,583	75
			179,201	69

Federal Bank cheque, \$18,000.

### TREATY No. 4—QU'APPELLE DISTRICT.

#### PROVISIONS FOR DESTITUTE INDIANS.

	Birtle. In Government Storehouse.		Indian Head. In Government Storehouse.		Amount.	Remarks. Description of Goods.
	Qty.	Rate. \$ cts.	Qty.	Rate. \$ cts.		
Flour..... lbs.	15000	4 50	365000	3 50	*13,450 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour; the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon, short clear. "	2500	0 18½	120000	0 17	20,856 25	New and sound, short clear and long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Date of delivery....	Aug. 1, 1884.	.....	.....	.....	34,306 25	

\*Good XXX flour, as per sample, 40c. per hundred less.

TREATY No. 4—QU'APPELLE DISTRICT—*Continued.*

## PAYMENT PROVISIONS.

—	Birtle. In Gov. Storehouse.		Indian Head. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.		
Flour .....lbs.	11,300	Cts. 4½	32,000	Cts. 3½	*1,624 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour; the inner sack to be of unbleached cotton, the outer one a gunny.
Bacon, short clear.. "	1,400	18½	4,000	†15½	865 50	New and sound, short clear and long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Tea ..... "	350	37½	1,000	36½	496 25	Congou, equal to samples.
Sugar ..... "	350	13¾	1,000	12½	170 62	"Paris Lump," Canada Sugar Refining Co.
Tobacco ..... "	175	41½	500	40	272 19	Equal to sample.
					3,428 56	

\* Good XXX flour, as per sample, 40c. per hundred less.

† Low price on account no conditions for further delivery.

## FARM SUPPLIES.

—	Indian Head. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.		
Flour.....lbs.	10,400	\$ cts. 0 03½	*364 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon, short clear.. "	6,935	0 16½	1,144 27	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Rice ..... "	342	0 09½	28 86	"Carolina," equal to sample; "Arracan," 1¼c. less.
Tea (4 half chests, each about 65 lbs. net)..... "	260	0 36½	94 90	Congou, equal to sample No. 1; sample No. 2, 5c. per lb. less.
Sugar..... "	1,400	0 12½	171 50	"Paris Lump," in 50-lb. boxes, Canada Sugar Refinery.
Hops..... "	50	0 40	20 00	Of best quality, in ¼-lb. packages.
Pepper, ground..... "	20	0 37	7 40	Black, first quality, in ¼-lb. tins.
Matches .....gro.	4	0 76	3 04	Eddy's No. 1.
Coal oil.....Imp. galls.	60	0 90	54 00	Water white, in 5-gall. cans, boxed, and on axles.†
Machine oil.	15	1 20	18 00	Black, best quality, in 5-gall. cans, boxed, and on axles.†
Syrup..... "	50	1 25	62 50	Equal to Canada Sugar Refinery "V.B.," in 2-gall. cans.†
Apples.....lbs.	300	0 18¾	56 25	Best quality, evaporated, in 50-lb. boxes, machine cut, not punched.
Date of delivery....	Aug. 1, 1884.		2,024 72	

\* Good XXX flour, as per sample, 40c. per hundred less.

† Tare to be legibly marked on each package.



TREATY No. 4—QU'APPELLE DISTRICT—*Continued.*

## AMMUNITION AND TWINE.

	Birtle. In Gov. Storehouse.		Indian Head. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.		
		\$ cts.		\$ cts.	\$ cts.	
Powder .....lbs.	200	0 32½	800	0 31½	317 00	F. F. F.
Shot....."	600	0 10	3000	0 09	330 00	Number 4.
Ball .....			200	0 10½	20 50	Trade ball.
Twine, { No. 5 .....	40	0 40	50	0 39	35 50	Seine twine, } Holland.
{ No. 9 .....	40	0 40	50	0 39	35 50	do
{ Gilling, No. 2.....	80	0 40	100	0 39	71 00	do
Snaring wire (brass).....			20	0 42	8 40	
Dates of delivery.....	Aug. 1, 1884.		Aug. 1, 1884.		817 90	

## TREATY Nos. 4 AND 6.

## CATTLE.

	Birtle.		Indian Head.		Battleford.		Edmonton.		Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	
		\$ cts.		\$ cts.		\$ cts.		\$ cts.	
Work oxen...yoke.	6	190 00	10	240 00	10	245 00	15	245 00	Not over six (6) years old nor under four (4), weighing about 1,400 lbs.; free from bodily defects and in good condition; thoroughly broken for double wagon or cart; true to draw; to be yoked together with a good useful yoke, and yoke to go with oxen. Train oxen not received, as the oxen must be quiet and useful to work on farms.

Marked cheque does not include the 10 per cent. deposit in this tender, as it was past bank hours before we could get quotations on suitable stock.

## TREATY No. 6 AND PART OF TREATY No. 4.

## HARNESS.

—	Indian Head. In Govt. Storehouse.		Battleford. In Govt. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.		
Ox-cart harness, sets	20	\$ cts. 7 00	20	\$ cts. 8 50	\$ cts. 310 00	Without collars, but with tugs, 22-in tug pins.
Ox hames .....pairs	.....	.....	8	2 50	20 00	Borbridge's pattern.
Sweat collars..... "	.....	.....	8	1 75	14 00	20 inches, and equal to sample.
Halter bridles.....	12	1 50	.....	.....	18 00	
Horse blankets.....	12	3 25	12	4 00	87 00	London Sheets, 6 feet by 6 feet, shape strapped across chest, and long straps and buckle inside rear part of belly.
Dates of delivery...	Aug. 1, 1884.		Aug. 1, 1884.		449 00	



## ANNUITY PAYMENT—PROVISIONS.

	Prince Albert. In Gov. Storehouse.		Carlton. In Government Storehouse.		Battleford. In Gov. Storehouse.		Fort Pitt. In Gov. Storehouse. Farm 14.		Snake Hills In Gov. Storehouse.		Edmonton. In Gov. Storehouse.		Peace Hills In Gov. Storehouse.		Amount.	Description of Goods.	Remarks.
	Q'ty	R'te	Q'ty	R'te	Q'ty	R'te	Q'ty	R'te	Q'ty	R'te	Q'ty	R'te	Q'ty	R'te			
		Cts.		Cts.		Cts.		Cts.		Cts.		Cts.		Cts.	\$		
Flour..... lbs.	4,400	21½	9,920	8	8,000	6½	8,800	7½	8,000	8½	9,600	6½	5,600	6½	4,035 60	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.	
Bacon, short clear.....	1,100	21½	2,480	21½	4,000	20	2,200	21½	2,000	22½	2,400	20½	1,400	20½	3,262 20	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon	
Tea .....	138	43	310	43	500	42	275	43½	250	45	300	42½	175	42	835 08	Congou, equal to sample No. 1; sample No. 2 5c. per lb. less.	
Sugar .....	150	18	300	18	500	16½	300	18	250	19½	300	16½	200	16½	347 62	Canada Sugar Refinery, "Paris lump" in 50-lb. boxes.	
Tobacco.....	70	47	155	47	250	45	138	46½	125	47½	150	45	87	45	448 44	Equal to sample.	
															8,928 94		

## PROVISIONS FOR DESTITUTE INDIANS.

	15,000		8		*100,000		14,600		7½		10,000		6½		* 9,481 50	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be of unbleached cotton, the outer one a gunny.	Remarks.
	Q'ty	R'te	Q'ty	R'te	Q'ty	R'te	Q'ty	R'te	Q'ty	R'te	Q'ty	R'te	Q'ty	R'te			
Flour..... lbs.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....			
Bacon, short clear.....	.....	.....	500	21½	54,750	20	36,560	21½	6,000	22½	8,000	20½	6,000	20½	23,090 00	New and sound, short clear and long clear, smoked and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.	
															32,571 50		

\* Good XXX flour, as per sample, 40c. per hundred less.

TREATY NO. 6—Continued.  
FARM SUPPLIES.

	Carlton. In Government Storehouse.		Battleford. In Government Storehouse.		Fort Pitt. In Government Storehouse. Indian Farm 14		Edmonton. In Government Storehouse.		Amount	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
Flour .....	2700	\$ 0 08	3200	\$ cts. 0 06½	2700	\$ cts. 0 07½	5400	\$ cts. 0 06½	\$ cts. 984 25	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour, the inner sack to be unbleached cotton, the outer one a gunny.
Bacon, short clear .....	1825	0 21½	2190	0 20	1825	0 21½	3650	0 20½	1,961 88	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Oatmeal.....	250	0 08½	300	0 07½	250	0 08½	500	0 09½	105 01	Kiln dried, first quality.
Tea.....	120	0 43	180	0 42	120	0 43½	240	0 42½	281 10	Congou—equal to sample No. 1. Sample No. 25c. per lb. less.
Sugar .....	350	0 18	450	0 16½	350	0 18	700	0 16½	316 38	Canada Sugar Refinery, Paris Lump, in 50-lb. boxes.
Rice .....	120	0 13½	140	0 12½	120	0 13½	240	0 13	82 20	Carolina, as per sample, Arracan 1½c. less.
Baking powder .....	10	0 40½	10	0 38	10	0 40	20	0 40	19 85	Of the best quality, in ½-lb. tins.
Pepper, ground.....	10	0 46	10	0 43½	10	0 46	10	0 43	18 15	Black, first quality, in ½-lb. tins.
Salt.....	1	17 76	1	13 50	1	17 75	1	14 25	68 25	Fine Liverpool or equal.
Soap.....	60	0 13½	60	0 11½	60	0 13	120	0 12	37 20	English yellow.
Matches .....	3	1 25	3	1 10	3	1 25	6	1 25	18 30	Eddy's No. 1.
Coal oil.....	118-60	1 60	118-60	1 45	118-60	1 60	137-20	1 60	114 75	Water white, in 5-gallon cans, boxed, and on axles.
Machine oil .....	40	1 90	40	1 70	40	1 95	80	1 80	45 75	Best quality, in 5-gallon cans, boxed, and on axles.
Syrup.....	140	2 10	196	1 90	140	2 25	280	2 00	110 10	Equal to Canada Sugar Refinery, "V.B.," in 2-gallon cans.
Hops.....	15	0 46½	15	0 44	15	0 46½	30	0 45	34 05	Of the best quality, in ½-lb. packages.
Apples.....	100	0 24	150	0 22½	100	0 24	150	0 23	116 25	Best quality, evaporated, in 50-lb. boxes, machine cut, not punched.
Beans .....							200	0 09½	18 50	Best quality white bean.
Dates of delivery .....	Aug. 1, 1884.		Aug. 1, 1884.		Aug. 1, 1884.		Aug. 15, 1884.		4,326 97	



	Carlton. In Gov. Storehouse.		Battleford. In Gov. Storehouse.		Fort Pitt. In Gov. Storehouse. Farm 14.		Snake Hills. In Gov. Storehouse.		Edmonton. In Gov. Storehouse.		Amount	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.		
Powder.....lbs.	.....	.....	300	0 36½	.....	.....	200	0 40½	600	0 38	418 50	F. F. F.
Shot.....	.....	.....	.....	.....	.....	.....	700	0 14½	1,200	0 12½	251 50	B. B.
Ball.....	.....	.....	.....	.....	.....	.....	100	0 16	400	0 14½	84 00	Trade ball.
Gun flints.....per 100	.....	.....	1,000	2 75	.....	.....	.....	.....	1,000	2 75	55 00	Half for fine and half for common flint-lock guns.
Twine, { No. 2.....	.....	.....	100	0 43	.....	.....	300	0 45	300	0 44	310 00	} Seine twine, Holland. Saint Pauls.
{ No. 5.....	.....	.....	75	0 43	.....	.....	100	0 45	100	0 44	121 25	
{ No. 9.....	.....	.....	125	0 43	50	0 44	75	0 45	75	0 44	142 50	
Cod lines, single.....	.....	.....	50	0 44	20	0 45	25	0 46	20	0 45	51 50	
Sharing wire, brass.....	10	0 46	10	0 45	10	0 46	10	0 47	10	0 46	23 00	
											1,457 25	

TREATY No. 7.

ANNUITY PAYMENT—PROVISIONS.

	Blood Reservation, Belly River. In Gov. Storehouse.		Piegan Reservation. In Gov. Storehouse.		Blackfoot Crossing. In Gov. Storehouse.		Morleyville. In Gov. Storehouse.		Calgary or Sarcee Reservation. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
		Cts.		Cts.		Cts.		Cts.		Cts.	\$ cts.	
*Flour .....	lbs.						4,800	4½			216 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Tea .....	650	40	225	40	550	38	150	38	112	39	659 68	Congou, equal to No. 1 sample; No. 2 5c. per lb. less.
Sugar .....	650	15	250	15	550	13½	150	13½	100	15	243 12	"Paris lump," in 50-lb. boxes, Canada Sugar Refining Co.
Tobacco .....	325	43½	113	43	275	41½	75	41½	56	43½	357 93	Equal to sample.
											1,476 73	

\* Good XXX flour, as per sample, 40c. per 100 less.

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## TREATY No. 7—Continued.

## FARM SUPPLIES.

	Fort Macleod. In Gov. Storehouse.		Blackfoot Crossing. In Gov. Storehouse.		Amount.	Remarks. Description of Goods.
	Qty.	Rate.	Qty.	Rate		
		\$ cts.		\$ cts.	\$ cts.	
Flour.....lbs.	8,640	0 05½	8,640	0 03½	*777 60	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon, short clear.. "	1,200	0 19	1,200	0 17½	438 00	New and sound, short clear or long clear, smoked, and in sacks; weight of sacks to be deducted; tenderer to quote a price for either or both of the above qualities of bacon.
Oatmeal..... "	800	6 25	800	0 05	90 00	Kiln dried, first quality, in brls.
Pea..... "	384	0 40	384	0 38	299 52	Congou, equal to sample No. 1; Sample No. 2, 5c. per lb. less.
Sugar..... "	1,100	0 15	1,100	0 13½	310 75	"Paris lump," in 50-lb. boxes, Canada Sugar Refinery.
Rice..... "	384	0 11½	384	0 10	82 56	"Carolina," equal to sample; "Arracan," 1½c. less.
Apples, evaporated "	200	0 21	200	0 19½	81 00	Evaporated, machine cut, not punched, in 50-lb. boxes.
Baking powder..... "	32	0 34	32	0 32½	21 28	Best quality, in ½-lb. tins.
Pepper, ground..... "	10	0 40	10	0 38	7 80	Black, first quality, in ½-lb. tins.
Salt.....bbl.	1	10 25	1	6 25	16 50	Fine Liverpool, or equal.
Soap.....lbs.	192	0 10½	192	0 08½	36 48	English yellow.
Matches.....gross.	5	1 00	5	0 90	9 50	Eddy's No. 1.
Coal oil.....Imp. galls.	25	1 30	25	1 10	60 00	Water white, in 5-gall. cans, boxed, and on axles; Imperial measure.
Machine oil. "	7½	1 60	7½	1 40	30 00	Best quality, black, in 2-gall. cans, boxed, and on axles; Imperial measure.
Syrup..... "	32	1 75	32	1 50	104 00	Equal to Canada Sugar Refinery "V.B.," in 2-gall. cans.
Hops.....lbs.	50	0 43	50	0 41	42 00	Of the best quality, in ½-lb. packages.
					2,406 99	

\*Good XXX flour, as per sample, 40c. per 100 less,

TREATY No. 7—Continued.  
PROVISIONS FOR DESTITUTE INDIANS.

	Blood Reserva- tion, Belly River. In Gov. Storehouse.		Piegan Reservation. In Government Storehouse.		Blackfoot Crossing. In Government Storehouse.		Sarcee Reservation. In Government Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate. \$ cts	Qty.	Rate. \$ cts	Qty.	Rate. \$ cts	Qty.	Rate. \$ cts.		
Flour.....lbs.	195,000	0 05½	97,500	0 05½	195,000	0 03¾	40,000	0 05½	* 24,768 75	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon, short clear ....	118,624	0 19	41,062	0 19	100,374	0 17½	20,531	0 19	51,806 68	New and sound, short clear, smoked and in sacks; weight of sacks to be deducted.
Tea.....	1,000	0 40	500	0 40	1,000	0 38	300	0 39	1,097 00	Congou, equal to sample No. 1. Sample No. 2 5 cents per lb. less.
Tobacco.....	500	0 43½	300	0 43	500	0 41½	150	0 43½	616 38	Equal to sample.
									78,288 81	

\* Good XXX flour, as per sample, 40c. per hundred less.



## INDUSTRIAL SCHOOL.

	Blackfoot Crossing. In Agency.		Indian Head. In Gov. Storehouse.		Battleford. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	\$ cts.	
*Flour..... lbs.	18,200	0 03½	18,200	0 03½	18,200	0 06½	2,502 50	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
Bacon, short clear....	1,000	0 17½	1,000	0 17	1,000	0 20	545 00	New and sound, short clear or long clear, smoked and in sacks; weight of sacks to be deducted; tender to quote a price for either or both of the above qualities of bacon.
Tea .....	300	0 38	300	0 36½	300	0 42	349 50	Congou, equal to No. 1 sample; No. 2 5c. per lb. less.
Sugar.....	550	0 13½	550	0 12½	550	0 16½	231 00	"Paris lump," in 50-lb. boxes, Canada Sugar Refinery.
Sugar.....	500	0 10	500	0 09½	500	0 12½	160 00	Or three brls., bright refined Muscovado, Canada Sugar Refinery.
Baking powder.....	75	0 32½	75	0 31½	75	0 38	76 50	Best quality, in half pound tins.
Salt .....	1	6 25	1	4 75	1	13 50	24 50	Fine Liverpool, in small bags.
Apples.....brls.	950	0 19½	950	0 18½	950	0 22½	577 12	Evaporated, machine cut, not punched, in 50-lb. boxes.
Rice .....	960	0 10	960	0 09½	960	0 12½	307 20	Carolina, equal to sample; Arracan 1½c. less.
Syrup .....	125	1 50	125	1 40	125	1 90	300 00	Equal to Canada Sugar Refinery "V.B." Equal to sample; in five gallon tins; each tin to yield 40 lbs. syrup.
Oatmeal .....	4,000	0 05	4,000	0 04½	4,000	0 07½	680 00	Or 20 brls.; kiln dried, first quality.
Matches.....lbs.	8	0 90	8	0 76	8	1 10	22 08	Eddy's No. 1.
Pepper.....gross.	5	0 38	5	0 37	5	0 43½	5 92	In ¼-lb. tins; black, first quality.
Soap.....lbs.	600	0 08½	600	0 08	600	0 11½	168 00	English yellow.
Hops.....	100	0 41	100	0 40	100	0 44	125 00	In ¼-lb. packages, first quality.
							6,134 32	

\* Good XXX flour, as per sample, 40c. per hundred less.

TREATIES NOS. 6 AND 7.  
SUPPLIES FOR INDIAN DAY SCHOOLS.

	Blackfoot Crossing. In Gov. Storehouse.		Carlton. In Gov. Storehouse.		Battleford. In Gov. Storehouse.		Snake Hills. In Gov. Storehouse.		Edmonton. In Gov. Storehouse.		Fort Pitt. In Gov. Storehouse.		Remarks. — Description of Goods.
	Qty.	R'te	Qty.	R'te	Qty.	R'te	Qty.	R'te	Qty.	R'te	Qty.	R'te	
													\$ cts. 2,583 75
Biscuits, sea or hard-tack, lbs.	1,500	8½	4,500	10½	4,500	12	1,500	15½	1,500	12½	3,000	13½	

[No. 7—Unaccepted.]

TORONTO, 29th April, 1884.

DEAR SIR,—We beg to hand you our tender for the Indian supplies of hardware, for Birtle and Indian Head, enclosing a cheque for \$147.58, which is 5 per cent. on \$312.42 for Birtle and 10 per cent. on \$1,319.65 for Indian Head. We also, by to-night's express, forward you samples of hoes, scythes, picks, &c.

We have, &amp;c., yours truly,

RISLEY &amp; KERRIGAN.

L. VANKOUGHNET, Esq.,

Deputy Supt.-Genl. Indian Affairs, Ottawa.

## TREATY No. 4—QU'APPELLE DISTRICT.

## AMMUNITION AND TWINE.

	Birtle. In Gov. Storehouse.		Indian Head. In Gov. Storehouse.		Birtle. In Gov. Store- house.		Indian Head. In Gov. Store- house.		Amount.	Remarks. — Description of Goods
	Qty.	Rate.	Qty.	Rate.						
		\$ cts.		\$ cts.		\$ cts.		\$ cts.	\$ cts.	
Powder ..... lbs.	200	0 30	800	0 30	60	00	240	00	300 00	F. F. F.
Shot ..... "	600	0 08½	3000	0 08½	51	00	247	50	298 50	Number 4.
Ball ..... "	.....	.....	200	0 09½	.....	.....	18	50	18 50	Trade ball.
Snaring wire (brass). "	.....	.....	20	0 35	.....	.....	7	00	7 00	
Dates of delivery.....	Aug. 1, 1884.		Aug. 1, 1884.		111	00	513	00	624 00	



TREATY No. 6 AND PART OF TREATY No. 4.  
AGRICULTURAL IMPLEMENTS.

	Birtle. In Government Storehouse.		Indian Head. In Government Storehouse.		Birtle. In Govern- ment Storehouse		Indian Head. In Govern- ment Storehouse		Amount.		Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.	\$	cts.	
Chains, trace..... prs.	20	0 70	100	0 70	14 00	0 70	70 00	0 70	84 00	00	Long trace chains, half twist in links, 7 feet long, weighing 8 lbs. each pair
Chains for ox yokes.....	10	0 19	12	0 19	1 90	0 19	2 28	0 19	4 18	00	5 logging chains, with grab and round hooks, 14 feet long.
Forks, hay.....	24	0 55	48	0 54	13 75	0 54	25 92	0 54	39 67	00	Equal to sample, and 3 tines.
Grindstones ..... lbs.	5	0 03½	.....	.....	8 75	.....	.....	.....	8 75	00	Nova Scotia or Ohio sandstone, 2½ to 3 inches thick, 45 to 50 lbs weight.
Hoes.....	36	0 44	300	0 43	15 84	0 43	1 6 00	0 43	141 84	00	Planters' hoe, like the sample.
Links, split, for mending trace chains..... lbs.	20	0 12½	20	0 12½	2 50	0 12½	2 50	0 12½	5 00	00	
					56 74		226 70		283 44	00	
Scythes .....	48	0 89	48	0 87	42 72	0 87	41 76	0 87	84 48	00	Equal to sample, all to be 1st quality, solid backs, short, with straps from heel 1 foot towards point to strengthen it.
Snaths.....	24	0 44	96	0 44	10 56	0 44	42 24	0 44	52 80	00	Equal to sample.
Scythe stones.....	.....	.....	96	0 06	.....	0 06	5 76	0 06	5 76	00	Indian Pond.
Sickles.....	.....	.....	72	0 37½	.....	0 37½	27 00	0 37½	27 00	00	Equal to sample.
Dates of delivery.....							53 28		116 76	04	
											Aug. 1, 1884.
											Aug. 1, 1884.

## TREATY No. 6 AND PART OF TREATY No. 4—Concluded.

## TOOLS.

	Birtle. In Gov. Storehouse.		Indian Head. In Gov. Storehouse.		Peace Hills. In Gov. Storehouse.		—		Edmonton. In Gov. Storehouse.		Fort Pitt. In Gov. Storehouse.		Amount.		Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	R'te	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	
Axes, double steel and handled.....	.....	.....	120	.....	.....	.....	.....	.....	.....	.....	141	60	141	60	34-lb. chopping axes, American pattern, double steel; handled; the steel to be inserted into the iron of the axe; handles second growth hickory.
Axle grease. .... bxs.	.....	.....	48	.....	.....	.....	.....	4	50	.....	.....	.....	10	50	Butter's.
Axes, pick.....	.....	.....	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	11	28	Equal to sample; weight 8 lbs.
Angers.....	.....	.....	40	.....	.....	.....	.....	.....	.....	.....	.....	.....	16	80	4-inch, best quality, Blue Short Eye.
do.....	.....	.....	40	50	.....	.....	.....	30	00	.....	.....	.....	50	00	do
do.....	.....	.....	40	.....	.....	.....	.....	.....	.....	.....	.....	.....	30	80	do
Files, hand saw.....	.....	.....	40	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	00	do
do cross-cut.....	.....	.....	60	20	.....	.....	.....	.....	.....	.....	.....	.....	21	00	Stubb's, 6-inch.
do pit or whip.....	.....	.....	60	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	00	do
do rough or bas- tard.....	.....	.....	60	.....	.....	.....	.....	2	40	.....	.....	.....	20	40	do
Glass.....	.....	.....	60	.....	.....	.....	.....	.....	.....	.....	.....	.....	21	00	12-inch.
Nails, cut..... bxs.	.....	.....	8	.....	.....	.....	.....	24	00	.....	.....	.....	54	00	8 by 10 size.
do.....	.....	.....	400	.....	.....	.....	.....	.....	.....	.....	.....	.....	25	00	2 1/2-inch.
do.....	.....	.....	400	.....	.....	.....	.....	13	00	.....	.....	.....	37	00	3 do
Rope..... lbs.	.....	.....	200	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	00	4 do
do.....	.....	.....	100	.....	.....	.....	.....	.....	.....	.....	.....	.....	28	00	1 1/2-inch cotton, suitable for plough lines.
Putty.....	40	.....	200	13	.....	.....	.....	.....	.....	.....	.....	.....	31	60	1 1/2-inch manilla.
Wrenches (monkey).	15	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	65	6 do
Brace and bits.....	12	0 50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6	00	12-inch, best quality.
.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	00	Best made and pattern, with 16 bits and 2 gimlet bits.
Dates of delivery..	Aug. 1, 1884.	.....	Aug. 1, '84	.....	17	50	56	75	73	90	389	48	527	63	



## INDUSTRIAL SCHOOL.

Description.	Indian Head. In Government Storehouse.		Amount.	Remarks.
	Qty.	Rate.		Description of Goods.
<i>Miscellaneous.</i>		\$ cts.	\$ cts.	
Knives and forks, steel doz.	4	1 45	5 80	Iron handles. French forks.
Knives and forks, carvers and steel .....each	6	0 65	3 90	Buckhorn handles, riveted, "Joseph Rogers & Son."
Knives, butcher..... "	6	0 85	5 10	Best quality, 12 inches, "Joseph Rogers & Son," cocoa handles.
Mop sticks..... "	12	0 18	2 16	Best quality.
Scrubbing brushes .....doz.	3	2 25	6 75	Fibre, "No. 3" size.
Spoons, table ..... "	4	2 50	10 00	"Nevada."
do tea ..... "	4	0 90	3 60	do
do basting..... "	12	0 75	9 00	Tinned iron, strong, long handle.
Dates of delivery.....	July 1, 1884.		46 31	

The undersigned hereby agree with the Superintendent General of Indian Affairs to deliver the above-mentioned quantities of supplies to his agent or agents at the places, for the rates, and on the dates as specified above, and of the quality and character as specified under the heading of remarks.

JOHN F. RISLEY,  
JAMES KERRIGAN.

We hereby agree to become sureties for the due fulfilment of the above, and will execute a contract to that effect when called upon by the Superintendent-General of Indian Affairs to do so.

W. H. BLEASDELL & CO.,  
FITCH & DAVIDSON.

[No. 8—Unaccepted.]

146 SPARKS STREET,

OTTAWA, 1st May, 1884.

DEAR SIR,—I enclose herewith tender for Indian supplies for industrial schools. I have not got samples of one or two lines that I expected to have, and will have in a day or two.

In some cases I can only submit one sample to day, but if required will submit two other samples, same as one sent in, within a few days. I enclose cheque marked good by the Merchant's Bank for six hundred dollars. I make the cheque large enough to cover in case the blankets or some of the other lines should be required heavier than specified in printed form of tender.

Larger or smaller shirts and drawers and mocassins will be at proportionate prices to the samples submitted.

Yours truly,

JOHN M. GARLAND.

L. VANKOUGHNET,

Deputy Superintendent-General Indian Affairs.

## INDUSTRIAL SCHOOL.

Description.	Blackfoot Crossing, Indian Agency.		Ind'n Head. In Gov. Storehouse.		Battleford Industrial School.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
<i>Dry Goods.</i>		\$ cts.		\$ cts.		\$ cts.	\$ cts.	
Buttons, trouser....gro.	6	0 27½	6	0 27	6	0 27½	4 92	Four-hole, bone.
do shirts..... "	3	0 25	3	0 25	3	0 25	2 25	Porcelain.
Blankets, grey.....lbs.	70	0 73	70	0 72	70	0 73	1,220 80	*Grey Oregon, 64 x 86 inches, 8 lbs. per pair.
do dark blue "	18	0 86	18	0 85	18	0 86	370 08	*Blue do do
Cotton, unbleached, yds	100	0 13½	100	0 13	100	0 13½	40 00	36-inch. Good quality.
Duck, brown..... "	300	0 22½	300	0 22	300	0 22½	201 00	8-ounce.
Flannel, grey..... "	200	0 37½	200	0 37	200	0 37½	224 00	Good "all wool," Canadian manufacture, 4-ounce, 26 inches in width.
Full cloth, Canada "	300	0 68	300	0 67	300	0 68	609 00	Etoffe du pays; all wool, heavy.
Linen .....	200	0 26	200	0 25	200	0 26	154 00	Coarse, for straw mattresses.
Needles .... only	1000	1 30	1000	1 30	1000	1 30	3 90	Assorted, 3 to 10.
Shirting, striped....yds	300	0 20½	300	0 20	300	0 20½	183 00	30 inches in width; good quality.
Sheeting, cotton, unbleached.....yds	300	0 41	300	0 40	300	0 41	366 00	2 yards wide; good quality.
Towelling..... "	225	0 13½	225	0 13	225	0 13½	99 01	Linen. 16 inches wide.
Tape.....gro	1	0 75	1	0 74	1	0 75	2 24	Twilled; good quality.
Thread, linen, spools, gross .....	2	1 05	2	1 04	2	1 05	3 14	Finleyson & Bamsfield's, 3 cords, 200 yards full, Nos. 40, 50 and 60.
Ticking.....yds	200	0 29½	200	0 29	200	0 29½	176 00	Striped cotton, 8-ounce.
							3,659 34	Grey blankets, No. 29, 62c. per lb. Full cloth, No. 31, 62c. per yard.
<i>Clothing.</i>								
Caps, fur .....	35	1 34	35	1 33	35	1 34	140 35	Strong, durable fur; 3 samples, from \$9 to \$12 per dozen.
Comforters.....	50	0 62½	50	0 62	50	0 62½	93 50	Good quality; 3 samples, say at \$6 per dozen.
Hats.....	35	1 28	35	1 26	35	1 28	133 70	Grey felt, assorted sizes, from No. 6 to No. 7; 3 samples, medium quality.
Socks, woollen.....prs	140	0 46	140	0 45	140	0 46	191 80	Assorted sizes, 6 to 9 inches; 3 samples, say \$4 per dozen.



## INDUSTRIAL SCHOOLS—Continued.

Description.	Blackfoot Crossing, Indian Agency.		Ind'n Head. in Gov. Storehouse.		Battleford Industrial School.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.		
		\$ cts.		\$ cts.		\$ cts.	\$ cts.	
Shoepacks..... "	70	1 60	70	1 59	70	1 60	335 30	Mocassin shape, assorted sizes, for boys from 6 to 16 years of age ; 3 sample pairs required.
Underclothing— Shirts, flannel.....	70	1 42	70	1 41	70	1 42	297 50	Grey, Canadian manufacture, for boys from 6 to 16 years of age ; 3 sample pairs required.
Drawers do .....prs	70	1 42	70	1 41	70	1 42	297 50	do do do Fur caps, No. 8, 85c. each. do No. 9, 91c. do Hats, Nos. 13 and 14, 79c. each. Shoepacks, No. 12, \$1.27 per pair. Flannel shirts, No. 2, 89c. each.
Dates of delivery...	July 1, '84.		July 1, '84.		July 1, '84.		1,489 65	do drawers, No. 4, 89c. each.

NOTE TO TENDERS.—The quotation of price in the column headed "Remarks" is intended simply as a guide to the quality of articles required, and not as a limitation of the prices at which they can be laid down at the points of delivery.

\*Or H. B. Company "4-point" of the required colors, or the English army hospital blanket.

The undersigned hereby agree with the Superintendent-General of Indian Affairs to deliver the above mentioned quantities of supplies to his agent or agents at the places, for the rates, and on the dates as specified above, and of the quality and character as specified under the heading of Remarks.

JOHN M. GARLAND.

We hereby agree to become sureties for the due fulfilment of the above, and will execute a contract to that effect when called upon by the Superintendent-General of Indian Affairs to do so.

FRANCIS CLEMOW.  
R. M. McMORRAN.

[No. 10—Unaccepted.]

## TREATY No. 7.

## PROVISIONS FOR DESTITUTE INDIANS

—	Blood Reservation, Belly River. in Gov. Storehouse.		Piegan Reservation. In Gov. Storehouse.		Blackfoot Crossing. In Gov. Storehouse.		Sarcee Reservation. in Gov. Storehouse.		Remarks. Description of Goods.
	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	Qty.	Rate.	
		\$ cts.		\$ cts.		\$ cts.		\$ cts.	
Beef ...lbs.	237250	0 14½	82125	0 14½	230750	0 15½	41063	0 16	To be killed and delivered in quantities as required at any point or points upon the different reservations or adjacent thereto, designated by the agents, in quarters, net on the scales, in the ration houses—not less than one animal at a time; the meat to be well butchered and of good quality, hides, heads, tongues, hearts, livers, paunches and intestines to be equally, with the dressed quarters, the property of the Government; the Department not to be bound to accept delivery of the whole 561,188 lbs., but those figures are given as approximating to the quantity which will, probably, be required. The tenders for the supply of beef must also include a tender for the hides of all animals killed and delivered, at so much for each hide, to be removed from the custody of the Indian Department immediately after the killing.

I. G. BAKER &amp; CO.

[No. 13—A. W. Ogilvie &amp; Co.—Unaccepted.]

MONTREAL, 28th April, 1884.

DEAR SIR,—Enclosed we beg to hand you our tender for the supply of flour required for Indian supplies in the North-West Territories, according to forms Treaty No. 4, Treaty No. 7 and Industrial School, for Blackfoot Crossing and Indian Head, amounting to forty-seven thousand six hundred and ninety-eight dollars and forty cents (\$47,698.40).

We also enclose our accepted cheque on the Bank of Montreal for the 10 per cent. deposit required, amounting to forty-seven hundred and seventy dollars (\$4,770.00). Should there be any irregularity in our tender that would not materially affect the amount, we will be glad to correct it.

We also beg to hand you a sample of the Strong Bakers' flour we will furnish should our tender be accepted.

We remain, &amp;c.,

A. W. OGILVIE &amp; CO..

L. VANKOUGHNET, Esq.,

Deputy Supt.-Genl. of Indian Affairs, Ottawa.



## TREATY No. 4.

—	Duck Bay. in Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Qty.	Rate.		
Flour .....lbs.	800	\$ cts. 4 15	\$ cts. 33 20	Equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. of flour each; the inner sack to be of strong unbleached cotton, the outer a gunny sack.

## TREATY No. 4—QU'APPELLE DISTRICT.

## PROVISIONS FOR DESTITUTE INDIANS.

—	Birtle. In Gov. Storehouse.		Indian Head. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Quantity.	Rate.	Quantity.	Rate.		
Flour.....lbs.	15,000	\$ cts. 4 80	365,000	\$ cts 4 10	\$ cts. 15,685 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour; the inner sack to be of unbleached cotton, the outer one a gunny.

## PAYMENT PROVISIONS.

Flour.....lbs.	11,200	4 80	32,000	4 10	1,849 60	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour; the inner sack to be of unbleached cotton, the outer one a gunny
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## FARM SUPPLIES.

Flour.....lbs.	.....	.....	10,400	4 10	426 40	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, to contain 100 lbs. flour; the inner sack to be of unbleached cotton, the outer one a gunny.
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## TREATY No. 7.

## ANNUITY PAYMENT—PROVISIONS.

—	Fort Macleod. In Gov. Storehouse.		Blackfoot Crossing. In Gov. Storehouse.		Morleyville. In Gov. Storehouse.		Amount.	Remarks. — Description of Goods.
	Q'ty.	Rate.	Q'ty.	Rate.	Q'ty.	Rate.		
	Lbs.	\$ cts.	Lbs.	\$ cts.	Lbs.	\$ cts.	\$ cts.	
Flour, per sack of 100 lbs.	.....	.....	.....	.....	4,800	4 40	211 00	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.

## FARM SUPPLIES.

Flour, per sack of 100 lbs.	8,640	5 25	8,640	4 25	.....	.....	820 80	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.
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**TREATY No. 7.**  
**PROVISIONS FOR DESTITUTE INDIANS.**

	Blood Reservation, Belly River. In Government Storehouse.		Piegan Reservation. In Government Storehouse.		Blackfoot Crossing. In Govern- ment Storehouse.		Sarcee Reservation. In Govern- ment Storehouse.		Amount.	Remarks. — Description of Goods.
	Quantity.	Rate.	Quantity.	Rate.	Quantity.	Rate.	Quantity.	Rate.		
		\$ cts.		\$ cts.		\$ cts.		\$ cts.		
Flour .....	135,000	5 80	97,500	5 80	195,000	4 25	40,000	4 75	\$ 27,153 50	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks, containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.

**INDUSTRIAL SCHOOL.**

	Blackfoot Crossing, in Agency.		Indian Head. In Government Storehouse.		Amount.	Remarks. — Description of Goods.
	Quantity.	Rate.	Quantity.	Rate.		
		\$ cts.		\$ cts.		
Flour.....	18,200	4 25	18,200	4 10	\$ 1,519 70	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks containing 100 lbs. of flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.

[No. 16—Unaccepted.]

OTTAWA, 1st May, 1884.

SIR,—I beg to tender for supplies for Industrial Schools, as per the attached form and prices. And to conform with the requirements of your circular of 19th March, I enclose a cheque for \$141.27, all of which I trust will prove satisfactory.

You will please note that I have added 90 gallons of best white coal oil, also that sample No. 15 has a galvanized iron bottom in addition, and what should be samples Nos. 7 and 24 cannot be procured for two weeks.

I am, &amp;c.,

JOS. ESMONDE.

L. VANKOUGHNET, Esq., Deputy Supt.-Gen. of Indian Affairs.

## INDUSTRIAL SCHOOL.

Description.	Battleford Industrial School.		Number of Sample.	Amount.	Remarks. Description of Goods.
	Qty.	Rate.			
<i>Miscellaneous.</i>		\$ cts.		\$ cts.	
Brushes, hair.....each	36	0 70	1	75 60	Good quality—medium size.
Cups and saucers .....doz.	4	1 20	2	168 40	Agate ware, "L. and G."
Combs, dressing....."	3	0 30	3	32 40	7 inches, extra strong horn.
do fine....."	3	0 10	4	10 80	Rubber, 2½ inches.
Flesh forks.....each	6	0 16	5	2 70	12 inches tinned iron.
Knives and forks, steel...doz.	4	1 80	6	21 00	Iron handles. French forks.
Knives and forks, carvers and steel.....each	6	2 00	7	36 00	Buckhorn handles, riveted, "Joseph Rogers & Son."
Knives, butcher....."	6	0 90	8	16 20	Best quality, 13 inches, "Joseph Rogers & Son," cocoa handles.
Lamps, bracket....."	4	1 00	9	16 00	} "B" sunburner, flat font with filler.
do stand....."	2	1 00	10	14 00	
* do chimneys....."	12	0 10	.....	3 60	
* do wicks....."	54	0 01	.....	1 62	"A 1" flint for "B" sunburner.
Lantern, stable....."	2	1 00	11	6 00	"B" American cotton, suitable for lamps and burners above.
* Looking glasses....."	12	0 25	.....	9 00	Strong, 27 yds. wick with each, "J. H. Stone's Improved."
Meat or side dishes....."	4	1 50	12	18 00	10 x 14, Ewing and Cunningham's "D."
Mop sticks.....each	12	0 20	13	7 20	Russia iron, 26 gauge, size 18 x 14.
Oval dish pans....."	2	2 00	14	12 00	Best quality.
Oil cans.....each	6	0 50	15	9 00	Agate ware, 15 qt., 13 x 17 x 5½ inches.
Plates, dinner .....doz.	4	4 50	16	54 00	Best quality, quarts, for filling lamps.
do soup.....each	4	4 50	17	54 00	Agate ware, 9½ x 1 inch.
Porridge pots, double.....each	2	2 00	18	12 00	do 9½ x 1½ inch.
Soup ladles....."	4	0 25	19	3 00	One gallon inside measurement; made of "25" tin sheets.
* Stoves, cooking....."	.....	150 00	.....	300 00	Re-tinned, 4 inches, riveted handles.
* do box....."	.....	9 50	.....	76 00	"St. Nicholas" for wood or coal, No. 10, fire-box 35 inches. Elevated tinned copper (D x tin) reservoir 40 gallons. For description of stove furniture, see page 40.
* do pipes.....links	.....	0 10	.....	20 00	Description to be submitted.
* do elbows.....each	.....	0 30	.....	12 00	7 inches, "pen" quality.
Scrubbing brushes.....doz.	3	0 25	20	27 00	7 inches.
Spoons, table....."	4	4 50	21	54 00	Fibre "No. 3" size.
do tea....."	4	2 50	22	30 00	"Nevada."
do basting.....each	12	0 20	23	7 20	do
Vegetable dishes....."	12	2 50	24	90 00	Tinned iron, strong, long handle.
					Agate ware "L and G," 1½-inch, 1½-inch, 1½-inch, with covers.



INDUSTRIAL SCHOOL—*Concluded.*

Description.	Battleford Industrial School.		Number of Sample.	Amount.	Remarks. — Description of Goods.
	Qty.	Rate.			
<i>Miscellaneous—Concluded.</i>		\$ cts.		\$ cts.	
*Wash tubs..... "	12	2 00	.....	72 00	30 inches, "Watchorn's" hand made.
Wash boards..... "	12	0 25	25	9 00	Best quality, Eddy's pattern.
Wash basins..... "	12	0 25	26	9 00	Block tin, 14 inches, re-tinned.
Water pails..... "	24	0 75	27	54 00	12 inches, galvanized iron, strong riveted handles, flange on bottom.
90 gallons best oil, white, in barrels..... galls	.....	0 50	.. ...	45 00	
Date of delivery .....	July 1, '84.			1,387 72	
Extra boxing.. .....	.....			35 00	
				1,422 72	

NOTE.—Three samples of each of the above articles to accompany the tenders excepting those marked thus \*.

The undersigned hereby agrees with the Superintendent-General of Indian Affairs to deliver the above-mentioned quantities of supplies to his agent or agents at the places, for the rates, and on the dates as specified above, and of the quality and character as specified under the heading of Remarks.

JOS. ESMONDE, Ottawa.

We hereby agree to become sureties for the due fulfilment of the above, and will execute a contract to that effect when called upon by the Superintendent-General of Indian Affairs to do so.

H. FORBES, Toronto.

[No. 18—Unaccepted.]

OTTAWA, 26th April, 1884.

Telegram from Prince Albert, West, N.W.T., to L. Vankoughnet, Indian Department.

Hear you are asking tenders for flour; we have not been notified; can deliver flour here at two seventy-five.

O. E. HUGHES & CO.

2nd May, 1884.

To O. E. Hughes & Co., Prince Albert, West, N.W.T..

Tender by wire received. Does the flour offered at two seventy-five equal Manitoba flour four X?

L. VANKOUGHNET.

OTTAWA, 10th May, 1884.

Telegram from Prince Albert, N.W.T., to L. Vankoughnet.

Flour at two seventy-five equal to Manitoba three X; flour equal to Manitoba four X three twenty-five here; can deliver at Carlton or Battleford at lowest freight rates.

O. E. HUGHES & CO.

*Action or decision of the Government on Tenders, and the reasons therefor.*

DEPARTMENT OF INDIAN AFFAIRS, OTTAWA, 9th May, 1884.

MEMORANDUM.—The undersigned begs to submit herewith a joint report by Mr. Sinclair, the Chief Clerk and Accountant of the Department, and Mr. Wadsworth, the Inspector of Indian Agencies in the North-West Territories, on the result of their examination of the various tenders received up to noon of the first instant, by this Department, for Indian supplies to be delivered at certain fixed dates, and at various points in Manitoba, Keewatin and the North-West Territories, during the year 1884-85; also an analysis prepared by those officers of the various tenders.

The undersigned begs to express his concurrence in all of the recommendations made by Messrs. Sinclair and Wadsworth, excepting the acceptance of Messrs. I. G. Baker & Co.'s tender for beef required for the Indians of Treaty 7. The rates at which they offer to supply this staple at the various reserves, are although lower than those quoted by Messrs. Ford & Stewart, the only other tenderers, excessive. They are higher than the rates (which were also very high) allowed them last year for beef delivered at the same points, whereas, considering the improved facilities for freighting cattle into the Territories, the Department had reasonable grounds to look for a reduction in beef rates.

There are also numerous owners of cattle ranches in the Territories who, the undersigned fears, owing to the short time given them to tender, had not a fair opportunity to do so.

The schedules were received this year unusually late from the office of the Indian Commissioner of the North-West Territories and Manitoba. In these schedules the articles, and the quantities of the same required, were described. But they had to be carefully revised and compared with what supplies previous returns from the North-West showed we had on hand at the various agencies, in order to prevent the Department calling for more than was absolutely necessary; and then the revised schedules and forms of tender had to be printed, so that, altogether, there was not as much time given for competition in such a staple as beef as should have been given. The undersigned took the precaution, however, to forward to each of the ranch-owners in the North-West forms of tender, without waiting until they were applied for; but then it must be remembered that they would, if they desired to tender, be obliged to make financial arrangements in the eastern part of Canada to meet the deposit of cash called for by the advertisement; and owing to the distance and the difficulties of postal communication with some points in the Territories, much delay would ensue, especially in the winter or early spring.

In view of the above facts, the undersigned respectfully recommends that fresh tenders for beef be called for, receivable up to the 20th June.

Messrs. Baker & Co.'s contract for the current year will expire on the 30th June, and if the new contractor cannot deliver immediately after that date, the Department has a reserve stock of bacon on hand, and more to be delivered on 1st July, which can be fed to the Indians until the beef arrives; and, no doubt, the agent can satisfactorily explain the matter to them.

All respectfully submitted.

L. VANKOUGHNET, D. M.

Right Hon. Sir JOHN A. MACDONALD, P.C., K.C.B.,  
Supt.-Genl, Indian Affairs.

8th May, 1884.

We have the honor to submit the following condensed report on the tenders submitted for supplying the various classes of articles required for this Department in Manitoba and the North-West Territories during the year ending the 30th June, 1885, with recommendations for the acceptance of such of the tenders as, after careful consideration, we considered the most favorable for the Department.



1.—*Hudson Bay Company.*

a. All the supplies required for Manitoba and Duck Bay, in Treaty No. 4, except harrows.

b. All the flour for Treaties 4, 6 and 7, except that called for at the Piegan reserve for destitute Indians, which we have recommended should be awarded to T. C. Power & Bro.

c. All the bacon required in Treaties 4, 6 and 7, except the supply for destitute Indians, farmers and annuity payments at Indian Head, which we have recommended should be awarded to T. C. Power & Bro.

Axle grease, Treaty 7.

d. All the groceries for Treaties 4, 6 and 7, except those for farmers at Fort Macleod, and tobacco for annuity payments at Indian Head; the former we have recommended should be awarded to I. G. Baker & Co. and the latter to T. C. Power & Bro.

e. All the ammunition required in Treaties 4 and 6 (none was called for in Treaty 7).

f. All the twine, cod line and snaring wire required in Treaties 4 and 6.

g. All the harness required for Treaties 4 and 6.

h. All the articles specified as agricultural implements in Treaties 4 and 6, excepting harrows, carts and waggons; the first named article we have recommended should be purchased from manufacturers; the carts we have recommended should be awarded to James Wright & Co., and the waggons to I. G. Baker.

i. All the tools required for Treaties 4 and 6.

j. Biscuits or "hard-tack" required for day schools in Treaties 4, 6 and 7, providing they agree to furnish at Fort Macleod.

2.—*I. G. Baker & Co.*

a. All the beef required for Treaty No. 7.

b. Groceries for farmers at Fort Macleod.

c. Waggons at Indian Head.

d. All the agricultural implements required for Treaty No. 7 (wire fencing, included under this head, we have recommended should be purchased from J. Y. Gilmour & Co., at Montreal).

e. All articles enumerated in the schedule headed tools for Treaty 7, except axle grease, which we recommend should be purchased as required.

f. Brogans and fur caps for industrial schools.

3.—*T. C. Power & Bro.*

a. Flour for destitute Indians at Piegan reserve.

b. Bacon, "short clear," for destitute Indians, annuity payments and farmers at Indian Head.

c. Tobacco for annuity payments at Indian Head.

4.—*James Wright & Co., London.*

a. Carts for Treaties 4 and 6.

5.—*Noah L. Piper & Son.*

a. Woodenware, hardware, stoves, &c., for industrial schools.

6.—*S. & H. Borbridge.*

a. Shoepacks for Industrial Schools.

7.—*J. Y. Gilmour & Co., Montreal.*

a. All the articles included in the schedule for "clothing for Industrial Schools," excepting brogans, fur caps, shoepacks and grey felt hats.

b. All the dry goods for these schools, and wire fencing.  
Recommendations for the purchase of articles not to be contracted for.

**Purchased—**

1. Harrows from Collard & Ganmoyne.
2. Axle grease, Treaty 7, from Hudson Bay Co.
3. Wire fencing from J. Y. Gilmour & Co.
4. Grey felt hats from John Garland.

**Not purchased—**

100 tuques.

100 pairs moose mocassins, of which samples were supplied by Wm. Garland, the former at 45 cents each and the latter at \$1.69 per pair.

The parties recommended to receive contracts are:—

1. Hudson Bay Co.
2. I. G. Baker & Co.
3. T. C. Power & Bro.
4. James Wright & Co.
5. Noah L. Piper & Son.
6. S. & H. Borbridge.
7. James Y. Gilmour & Co.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

The Deputy Minister of Indian Affairs.

*Hudson Bay Company.*

The company submit the only tender received for Manitoba and Duck Bay, Treaty 4. It is a full tender (except for harrows, which they decline to furnish of the required pattern) both as regards articles and points of delivery, and it aggregates \$155,835.37.

The prices are very favorable, indeed, and are noticeably lower than those of last year, except in the one item of twine, which is nearly 100 per cent. dearer; in flour, on the other hand, the price is, all round, about 50 per cent. lower, and on tea and tobacco about 25 per cent. lower than the prices for the current year.

In the schedule two sets of ox harness at Ebb and Flow Lake are called for, and Mr. Borbridge, of Ottawa, comes into competition with the company in this item. The prices are: Hudson Bay Co., \$15.50 per pair, \$31.00; Borbridge, \$14.80 per pair, \$29.60; and as the whole difference is \$1.40 only, we have the honor to recommend the acceptance of the company's tender for Treaties 1, 2, 3 and 5.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

*Beef—Separate Tender—for Destitute Indians.*

1. Ford & Stewart—

Blood Reserve,	237,250 lbs.,	at 14½c.....	\$34,401 25
Piegán	" 82,125 "	15c.....	12,318 75
Blackfoot	" 200,750 "	15½c.....	30,614 37
Sarcee	" 41,063 "	17c.....	6,980 71
			\$84,315 08

2. I. G. Baker & Co.—

1883-84. 1884-85.			
Blood Reserve,	13½c.	14½c....	\$33,808 12
Piegán	" 13½c.	14½c.....	11,702 81
Blackfoot	" 14½c.	15½c.....	30,614 37
Sarcee	" 13½c.	16c.....	6,570 08
			\$82,695 38

Difference in favor of I. G. Baker & Co..... 1,619 70



*Beef for Annuity Payments deliverable at Morleyville.*

1. Ford & Stewart, 2,400 lbs., at 15½c. per lb.....\$372 00  
 2. I. G. Baker & Co., 2,400 " 17c. " ..... 408 00

Difference in favor of Ford & Stewart ..... \$ 36 00

Net difference in favor of I. G. Baker & Co..... \$1,583 70

ROBT. SINCLAIR.  
T. B. WADSWORTH.

The Deputy Minister of Indian Affairs,  
2nd May, 1884.

## TENDERS, 1884-85.

## FLOUR FOR DESTITUTE INDIANS.

Number.	Name.	Birtle.	Indian Head.	Carlton, Tr. No. 6.	Battleford.	Fort Pitt.	Edmonton.	Sarcee Re- serve.	Blackfoot Crossing.	Piegan Re- serve.	Blood Re- serve.
1	Hudson Bay Co.....	\$ cts. 4 00	\$ cts. 2 12½	\$ cts. 3 50	\$ cts. 4 25	\$ cts. 5 75	\$ cts. 6 50	\$ cts. 3 25	\$ cts. 3 12½	\$ cts. 3 45	\$ cts. 4 25
2	T. C. Power & Bro.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

The foregoing is a statement of the tenders for flour for destitute Indians, and as a result of our examination we beg to recommend for acceptance the tender of the Hudson Bay Co. for Birtle, Indian Head, Carlton, Battleford, Fort Pitt, Edmonton, Sarcee Reserve, Blackfoot Crossing and Blood Reserve, and that of T. C. Power & Bro. for the Piegan Reserve.

ROBT. SINCLAIR,  
T. P. WADSWORTH.

## TENDERS, 1884-85.

## FLOUR FOR ANNUITY PAYMENTS.

Number.	Name.	Birtle.	Indian Head.	Prince Al- bert.	Carlton.	Battleford.	Fort Pitt.	Snake Hills.	Edmonton.	Peace Hills.	Morleyville.
1	Hudson Bay Co.....	\$ cts. 4 00	\$ cts. 2 87½	\$ cts. 3 00	\$ cts. 3 50	\$ cts. 4 25	\$ cts. 5 75	\$ cts. 6 90	\$ cts. 6 50	\$ cts. 6 25	cts. 4 00

As the result of our examination we beg to recommend that the tender of the Hudson Bay Co. may be accepted, their prices being the lowest in every case save two, viz., Birtle, where the Messrs. Baker & Co. quote the same price (\$4 per sack), and at Edmonton, where A. Macdonald is the same, viz., \$6.50 per sack. The company's offer is, however, for all the points called for, and is manifestly better than the others.

ROBT. SINCLAIR,  
T. P. WADSWORTH.

TENDERS, 1884-85.  
FLOUR—FARMERS' SUPPLIES.

Number.	Name.	Indian Head.	Carlton.	Battleford.	Fort Pitt.	Edmonton.	Fort Macleod.	Blackfoot Crossing.
1	Hudson Bay Co.....	\$ cts. 2 87½	\$ cts. 3 50	\$ cts. 4 25	\$ cts. 5 75	\$ cts. 6 50	\$ cts. 4 25	\$ cts. 3 12½

The Hudson Bay Co. have tendered for all the points named except Fort Macleod, and the prices quoted by them are the lowest. No doubt the company would consent to deliver flour at Fort Macleod at \$4.25, the price for which they offer to supply the Blood Reserve.

We beg to recommend that No. 1 be accepted.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

TENDERS, 1884-85.  
INDUSTRIAL SCHOOLS—FLOUR.

Number.	Name.	Indian Head.	Battleford.	Blackfoot Crossing.
1	Hudson Bay Co.....	\$ cts. 2 87½	\$ cts. 4 25	\$ cts. 3 12½

The offer of the Hudson Bay Co. in this instance is also the most favorable, and we therefore beg to recommend its acceptance.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

OTTAWA, 8th May.

*Telegram from Winnipeg, Man., to L. Vankoughnet.*

Proposed advance for short clear for Treaty six, one-quarter of one cent per pound on prices stated in tender.

THOMAS R. SMITH, For Hudson Bay Co.

\*TENDERS, 1884-85.  
DESTITUTE INDIANS—BACON.

	Names.	Birtle.	Indian Head.	Carlton.	Battleford.	Fort Pitt.	Snake Hill.	Edmonton.	Peace Hill.	Sarcee Reserve.	Blackfoot Crossing.	Piegan Reserve.	Blood Reserve.	
1	Hudson Bay Co...	Cts. 16	Cts. .....	Cts. 17¾	Cts. 18	Cts. 18¾	Cts. 18¾	Cts. 18¾	Cts. 18¾	Cts. 14¾	Cts. 14¾	Cts. 15¾	Cts. 15¾	Short clear.
2	T. C. Power & Bro.....	.....	14½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do

\*The telegram affixed hereto explains the reason for altering the price within Treaty No. 6 on this and the next three sheets.

There are two successful competitors for bacon, viz., the Hudson Bay Co. and T. C. Power & Bro., the first named being the lowest for all the points named except



Indian Head, for which point the Messrs. Power & Bro. are the lowest by  $\frac{11}{42}$ ths of 1 cent.

On the distinct understanding that the Company furnish "short clear" bacon (which they do not specially mention in their tender), we recommend that their offer for all points except Indian Head be accepted, and that the offer of the Messrs. Power & Bro. for that place be accepted for short clear at  $14\frac{1}{2}$  cts.

The difference in favor of the Company, as compared with the lowest offers, is 0.160, or over  $1\frac{1}{2}$  cents per lb.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

## TENDERS, 1884-85.

## BACON—FOR ANNUITY PAYMENTS.

	Names.	Birtle.	Indian Head.	Prince Albert.	Carlton.	Battleford.	Fort Pitt.	Snake Hills.	Edmonton.	Peace Hills.	—
		Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	
1	Hudson Bay Co.....	16	15 $\frac{2}{5}$	17 $\frac{1}{2}$	17 $\frac{3}{4}$	18	18 $\frac{3}{4}$	18 $\frac{3}{4}$	18 $\frac{7}{10}$	18 $\frac{1}{2}$	Short clear.
2	T. C. Power & Bro.....	.....	14 $\frac{1}{2}$	.....	.....	.....	.....	.....	.....	.....	do

The memorandum on the preceding page is equally applicable to this, and the recommendation as to the acceptance of tenders the same.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

## TENDERS, 1884-85.

## BACON—FARMERS' SUPPLIES.

Number.	Names.	Indian Head	Carlton.	Battleford.	Fort Pitt.	Edmonton.	Fort Macleod.	Blackfoot Crossing.	—
		Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	
1	Hudson Bay Co.....	.....	17 $\frac{3}{4}$	18	18 $\frac{3}{4}$	18 $\frac{7}{10}$	15 $\frac{9}{10}$	16 $\frac{1}{10}$	Short clear.
2	T. C. Power & Bro. ....	14 $\frac{1}{2}$	.....	.....	.....	.....	.....	.....	do

As in their tender for destitute Indians, the Hudson Bay Company are the lowest tenderers for all points except Indian Head, for which Messrs. T. C. Power & Bro. are the successful competitors.

ROBT. SINCLAIR,  
T. P. WADSWORTH.

## TENDERS, 1884-85.

## BACON—FOR INDUSTRIAL SCHOOLS.

No.	Name.	—	—	—	—
		Cts.	Cts.	Cts.	
1	Hudson Bay Co .....	15 $\frac{2}{5}$	17 $\frac{3}{4}$	16 $\frac{1}{10}$	Short clear.

On the assumption that the Hudson Bay Company will deliver "short clear" bacon, their offers are the best for the supply of bacon for the schools.

ROBT. SINCLAIR,  
T. P. WADSWORTH.

## TENDERS, 1884-85—Groceries, viz., Tea and Tobacco—Destitute Indians.

Number.	Names.	Sarcee Reserve.		Blackfoot Crossing.		Piegan Reserve.		Blood Reserve.	
		Tea.	Tobacco.	Tea.	Tobacco.	Tea.	Tobacco.	Tea.	Tobacco.
1	Hudson Bay Co.....	cts. 29	cts. 40 $\frac{1}{4}$	cts. 29 $\frac{3}{4}$	cts. 40	cts. 30 $\frac{1}{4}$	cts. 41 $\frac{2}{3}$	cts. 30 $\frac{1}{4}$	cts. 41 $\frac{2}{3}$

The Hudsons Bay Company are, in the case of tea and tobacco, also the lowest tenderers, the difference in their favor being: On tea, about 25 per cent.; on tobacco, about 10 per cent.

ROBT. SINCLAIR.  
T. P. WADSWORTH.



TENDERS, 1884-85—Groceries—For Annuity Payments.

Number.	Name.	Birtle.			Indian Head.			Prince Albert.			Carlton.			Battleford.			Fort Pitt.			Snake Hills.		
		Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.
1	Hudson Bay Co.	cts. 28	cts. 12½	cts. 40	cts. 27½	cts. 11½	cts. 36	cts. 29½	cts. 13½	cts. 41½	cts. 29½	cts. 14	cts. 41½	cts. 30	cts. 14½	cts. 42	cts. 31½	cts. 15½	cts. 43	cts. 31½	cts. 15½	cts. 42½
5	T. C. Power & Bro.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Number.	Name.	Edmonton.			Peace Hills.			Morleyville.			Sarcee Reserve.			Blackfoot Crossing.			Piegan Reserve.			Blood Reserve.		
		Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.	Tea.	Sugar.	Tobacco.
1	Hudson Bay Co.	cts. 30½	cts. 14½	cts. 42½	cts. 31½	cts. 14½	cts. 42½	cts. 29½	cts. 12½	cts. 40½	cts. 29	cts. 12	cts. 40½	cts. 28½	cts. 12	cts. 40	cts. 30½	cts. 13½	cts. 41½	cts. 30½	cts. 13½	cts. 41½
5	T. C. Power & Bro.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

We beg to recommend the acceptance of the tender of the Hudson Bay Company for all the supplies on this schedule except that of tobacco, at Indian Head, for which Messrs. T. C. Power & Bro. are the lowest tenderers.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

## TENDERS, 1884-85—GROCERIES FOR FARMERS.

INDIAN HEAD.																CARLTON.																	
Names.		Oatmeal.	Tea.	Sugar.	Rice.	Baking Pow-der.	Pepper.	Salt.	Soap.	Matches.	Coal Oil.	Machine Oil.	Syrup.	Hops.	Apples.	Beans.	Oatmeal.	Tea.	Sugar.	Rice.	Baking Pow-der.	Pepper.	Salt.	Soap.	Matches.	Coal Oil.	Machine Oil.	Syrup.	Hops.	Apples.	Beans.		
1. Hudson Bay Co.	Lb. cts. ....	Lb. cts. 27½	Lb. cts. 11½	Lb. cts. 10½	Lb. cts. ....	Lb. cts. 21½	Lb. cts. ....	Lb. cts. ....	Lb. cts. ....	Gr. cts. 64	Gal \$ c. 83	Gal \$ c. 1 00	Gal \$ c. 96	Lb. cts. 36½	Lb. cts. 18½	Lb. cts. ....	Lb. cts. 5½	Lb. cts. 28½	Lb. cts. 14	Lb. cts. 12½	Lb. cts. 58	Lb. cts. 24½	Lb. cts. 4½	Lb. cts. 17½	Gr. cts. 80	Gal \$ c. 1 04½	Gal \$ c. 21	Lb. cts. 36	Lb. cts. 40	Lb. cts. 22	Lb. cts. ....		
2. I. G. Baker & Co.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	73	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
3. A. Macdonald.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	40½	.....	.....	.....	13½	.....	.....	.....	.....	.....	.....	.....	
4. J. and O. Coughlin.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	16	.....	Lb. 10	.....	.....	.....	.....	.....	
5. T. C. Power & Co.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	65	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
BATTLEFORD.																FORT PITT.																	
1. Hudson Bay Co.	6½ 30	14½ 12½	.....	.....	58½ 26	4½ 17½	84	1 06	1 23	1 40	40½ 22½	.....	.....	.....	.....	.....	7	31½	15½	13½	60	29½	5½ 18½	93	1 18	1 35	1 57	41½	23½	.....	.....		
2. I. G. Baker & Co.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
3. A. Macdonald.	.....	.....	.....	12½ 38	.....	11½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	40	.....	.....	.....	13	.....	.....	.....	.....	.....	.....	.....	
4. J. and O. Coughlin.	.....	.....	.....	.....	50	16	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	18	.....	Lb. 10	.....	.....	.....	.....	.....	
EDMONTON.																BLACKFOOT CROSSING.																	
1. Hudson Bay Co.	6½ 30½	14½ 13½	.....	.....	59½ 26½	4½ 18	88½	1 13	1 30	1 48	40½ 22½	8½	.....	.....	.....	.....	4	28½	12	11	54½	22½	2½ 14½	72	95	1 03	1 08	37½	19½	.....	.....		
2. I. G. Baker & Co.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22	.....	.....	.....	.....	.....	.....	.....	.....	47	.....	.....	.....	10	65	80	.....	.....	.....	.....	.....	
3. A. Macdonald.	.....	.....	.....	.....	53	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
4. J. and O. Coughlin.	.....	.....	.....	13 40	50	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	32½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....



TENDER, 1884-85—GROCERIES FOR FARMERS—Continued.

Names.	FORT MACLEOD.											
	Oatmeal.			Sugar.			Rice.			Baking Powder.		
	Lb.	Lb.	cts.	Lb.	Lb.	cts.	Lb.	Lb.	cts.	Lb.	Lb.	cts.
1. Hudson Bay Co.....	\$ c.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2. I. G. Baker & Co.....	40	15 3/4	12	50	29	15 0	11	70	95	1 75	1 68	40
3. A. Macdonald.....	6 25	40	15	11 1/2	34	40	10 25	10 1/2	1 00	1 30	1 60	43
4. J. & C. Coughlin. ....	.....	.....	.....	.....	.....	.....	11 00	.....	.....	10	.....	.....

1. Hudson Bay Co.....

2. I. G. Baker & Co.....

3. A. Macdonald.....

4. J. & C. Coughlin. ....

Having closely scrutinized the whole tender, and found that except in a few unimportant items the Hudson Bay Co. are decidedly lower than the others, we recommend that they receive the contract for farmers' supplies for all points except Fort Macleod, for which they do not tender, and that for the last named place the tender of the Messrs. I. G. Baker & Co. be accepted.

ROBT. SINCLAIR,  
T. P. WADSWORTH.

Items of difference above:—

H. B. Co.		Baker & Co.	
Rice .....	\$ 00 10 1/2	.....	.....
Coal oil .....	00 83	0 75	.....
Apples.....	00 18 1/2	.....	.....
Coal oil.....	49 80	39 00	45 00
Rice.....	34 54	23 51	.....
Apples.....	55 50	39 00	.....
Tea.....	139 84	101 51	Difference.. 38 33
Syrup .....	71 24	33 60	.....
	48 00	67 50	.....
	\$119 24	\$161 10	Difference.. \$ 41 90

Total difference in favor of Hudson Bay Co., \$3.57, in five articles enumerated; in every other item they are lower than the others, we therefore recommend that they should receive the contract for Indian Head.

ROBT. SINCLAIR,  
T. P. WADSWORTH.

Statement of account as between the competitors,

Baker & Co., and A. Macdonald:—		A. Macdonald.	
I. G. Baker & Co.	\$ 64 00	Oatmeal.....	\$ 50 00
	143 60	Tea.....	153 60
	173 25	Sugar.....	165 00
	46 08	Rice.....	44 16
	33 00	Apples.....	42 40
	16 00	Baking powder..	10 88
	2 90	Pepper.....	4 00
	15 00	Salt.....	10 25
	21 12	Soap.....	24 00
	3 50	Matches.....	5 00
	23 75	Coal oil.....	32 50
	18 62	Machine oil.....	12 00
	53 76	Syrup.....	56 00
	20 00	Hops.....	21 50
	\$629 58		\$630 89

Difference in favor of I. G. Baker & Co., \$ 1 31

## BLACKFOOT CROSSING—TENDERS, 1884-85.

## GROCERIES—INDUSTRIAL SCHOOLS.

Number.	Names.	Tea.	White Sugar	Muscovado Sugar.	Baking Powder.	Salt.	Apples.	Rice.	Syrup.	Oatmeal.	Matches.	Pepper.	Soap.	Hops.
		Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	\$ cts.	Cts.	Cts.	Cts.	Cts.	Cts.
1	Hudson Bay Co.....	28 $\frac{1}{2}$	12	12	54 $\frac{1}{2}$	3 $\frac{11}{10}$	19 $\frac{1}{2}$		1 08	4	72	22 $\frac{3}{4}$	14 $\frac{9}{10}$	37 $\frac{1}{16}$
2	I. G. Baker & Co.....							9			65		10	
3	A. Macdonald.....			10	32 $\frac{1}{2}$			10					8 $\frac{1}{2}$	
4	J. & C. Coughlin.....					3							14	

In this bid the following differences are observable between the Hudson Bay Co. and the tenderer next lowest in each article :—

Sugar, Muscovado.....	\$10 00
Salt .....	3 30
Rice .....	19 20
Matches .....	0 56
Baking powder.....	16 75
Soap.....	32 40

Total difference against Hudson Bay Co..... \$82 21

The differences are in favor of the Company in the following items :—

Tea.....	\$31 50
White sugar .....	6 87
Syrup .....	15 00
Oatmeal.....	40 00
	93 37

Total difference in favor of the Hudson Bay Co..... \$11 16

And we therefore recommend the acceptance of the Hudson Bay Co.'s. tender.

ROBT. SINCLAIR.

T. P. WADSWORTH.

## INDIAN HEAD—TENDERS, 1884-85.

## GROCERIES—INDUSTRIAL SCHOOLS.

Number.	Names.	Tea.	White Sugar	Muscovado Sugar.	Baking Powder.	Salt.	Apples.	Rice.	Syrup.	Oatmeal.	Matches.	Pepper.	Soap.	Hops.
		Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
1	Hudson Bay Co.....	27 $\frac{1}{2}$	11 $\frac{1}{2}$	11 $\frac{1}{2}$	53 $\frac{1}{2}$	2 $\frac{1}{2}$	18 $\frac{1}{2}$	10 $\frac{1}{10}$	96	3 $\frac{1}{2}$	64	21 $\frac{3}{8}$	14	36 $\frac{1}{16}$
2	I. G. Baker & Co .....				46			8					9	
3	A. Macdonald .....			9 $\frac{1}{2}$	31 $\frac{1}{2}$	1 $\frac{1}{2}$		9 $\frac{1}{2}$					8	
4	J. & C. Coughlin.....				50								13	

We find the difference against the Hudson Bay Co. in the undermentioned articles—the prices of the tenderer next lowest in each of the articles having been taken :—



Muscovado sugar.....	\$10 00
Baking powder.....	16 50
Salt.....	2 75
Rice .....	20 16
Soap.....	36 00

Total against the company ..... \$85 41

But in the following articles alone the difference in their favor more than compensate—thus :—

Oatmeal.....	\$40 00
Tea.....	26 50
Syrup .....	15 00
White sugar.....	6 88
	<u>88 38</u>

Showing a difference in their favor..... \$2 97

And we therefore recommend that the company's tender may be accepted.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

### BATTLEFORD—TENDERS, 1884-85.

#### GROCERIES—INDUSTRIAL SCHOOLS.

Number.	Names.	Tea.	White Sugar.	Muscovado Sugar.	Baking Powder.	Salt.	Apples.	Rice.	Syrup.	Oatmeal.	Matches.	Pepper.	Soap.	Hops.
		Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	\$ c.	Cts.	Cts.	Cts.	Cts.	Cts.
1	Hudson Bay Co .....	30	14½	14½	58½	5½	22½	12½	1 40	6½	84	26	17½	40½
2	A. Macdonald .....	.....	.....	12½	38	4	.....	.....	.....	.....	.....	.....	11½	.....
3	J. & C. Coughlin .....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....

The differences against the company are as follows :—

On Muscovado sugar.....	\$ 7 50
Baking powder.....	15 00
Salt.....	3 00
Soap .....	30 00
	<u>\$55 50</u>

While those in their favor, the bids of the tenderer next lowest having been taken in each case, are :—

On Tea.....	\$36 00
Sugar.....	11 00
Syrup .....	50 00
	<u>97 00</u>
	<u>\$41 50</u>

The total difference in favor of the company being \$41.50, for which reason we recommend the acceptance of their tender.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

## TENDERS, 1884-85.

## AMMUNITION.

Number.	Names.	Birtle.		Indian Head.		Battle-ford.	Snake Hills.		Edmonton.		Gun Flints, per 100.
		Powder.	Shot.	Powder.	Shot.	Powder.	Powder.	Shot.	Powder.	Shot.	
1	Hudson Bay Co.....	Cts. 28½	Cts. 8½	Cts. 27½	Cts. 7½	Cts. 34½	Cts. 36½	Cts. 11	Cts. 36	Cts. 10½	Cts. 45
	do ..... ball.	.....	.....	.....	8½	.....	.....	12½	.....	11½	.....
2	I. G. Baker & Co.....	.....	.....	.....	11	.....	.....	.....	.....	17	.....
3	A. Macdonald .....	.....	.....	.....	10½	.....	.....	16	.....	14½	.....
4	T. C. Power & Bro.....	.....	.....	.....	10½	.....	.....	.....	.....	.....	.....
5	Risley & Kerrigan.....	.....	.....	.....	9½	.....	.....	.....	.....	.....	.....

The Hudson Bay Co.'s tender is the lowest in every item of the foregoing, and we recommend its acceptance.

ROBT. SINCLAIR,  
T. P. WADSWORTH.



TENDERS, 1884-85.  
SUPPLIES.

No.	Name.	Birtle.			Indian Head.			Carl- ton.	Battleford.			Fort Pitt.			Snake Hills.			Edmonton.										
		2	5	9	2	5	9	Wire.	2	5	9	Cod line.	Wire.	9	Cod line.	Wire.	2	5	9	Cod line.	Wire.							
1	Hudson Bay Co. ....	31.7	24 $\frac{2}{3}$	21 $\frac{3}{4}$	39.0	22.0	20 $\frac{2}{3}$	35 $\frac{1}{2}$	lb.	34 $\frac{1}{2}$	26 $\frac{1}{2}$	24.1	44 $\frac{1}{2}$	38 $\frac{1}{2}$	25	45	each	lb.	35 $\frac{1}{2}$	27 $\frac{1}{2}$	24.0	45 $\frac{1}{2}$	39	34 $\frac{1}{2}$	27 $\frac{1}{2}$	24 $\frac{1}{2}$	45	38 $\frac{1}{2}$

We beg to recommend the acceptance of the tender of the Hudson Bay Company for the twine, cod line and brass wire called for, their tender being the lowest.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

## (Memorandum.)

## CATTLE.

The only tender received for work oxen was from A. Macdonald, of Winnipeg, for the following places, at the prices named:—

Birtle .....	\$190 00	per yoke.
Indian Head .....	240 00	"
Battleford .....	245 00	"
Edmonton .....	245 00	"

As these are higher prices than cattle can be purchased for in the country, we recommend that this tender be not accepted.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

## TENDERS, 1884-85.

## HARNESS.

Number.	Name.	Battleford.				Indian Head.		
		Ox Cart.	Ox Hames.	Sweat Collar.	Horse Blanket.	Ox Cart.	Halter Bridle.	Horse Blanket.
1	Hudson Bay Co. ....	\$ cts. 6 05	\$ cts. 1 65	\$ cts. 1 10	\$ cts. 3 00	\$ cts. 5 60	\$ cts. 1 12	\$ cts. 2 75

The Hudson Bay Company's tender for harness being the lowest, we beg to recommend that it may be accepted.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

## TENDERS, 1884-85.

## AGRICULTURAL IMPLEMENTS—CARTS.

Number.	Names.	Indian Head.	Battleford.
		\$ cts.	\$ cts.
1	Hudson Bay Co. ....	49 00	No bid.
2	I. G. Baker & Co. ....	45 00	do
3	James Wright & Co. ....	42 00	52 00

We therefore recommend for acceptance the tender of James Wright & Co., of London, Ont.

## TENDERS, 1884-85.

## AGRICULTURAL IMPLEMENTS—WAGGONS.

Number.	Name.	Indian Head.
		\$ cts.
1	Hudson Bay Co. ....	117 00
2	I. G. Baker & Co. ....	95 00

We therefore recommend that the tender of Messrs. I. G. Baker & Co. be accepted.

ROBT. SINCLAIR.  
T. P. WADSWORTH.



## TREATIES NOS. 4 AND 6.

Except carts and waggons, disposed of in the preceding sheets, and harrows, which the company decline to furnish of the pattern and make required, we consider their tender the most favorable, being a full tender for every point named, whereas their competitors offer only partial tenders, and are higher in almost every article.

For fanning mills delivered at Birtle, Baker & Co.'s tender is lower than the Hudson Bay Company by \$2.75 each, but Baker & Co., refuse to tender for those required at Snake Hills, while at Edmonton their tender is higher by \$7.25 each. The same remarks applies to ploughs and horse rakes.

We beg, therefore, to recommend the acceptance of the tender of the Hudson Bay Company for all the articles in this schedule under this head, excepting those named above, and we further recommend that as Collard's harrow is offered at Birtle and Indian Head by Baker & Co. only, no tender be accepted, but that direct communication be opened by the Department with the makers, at Gananoque, with a view to ascertain prices.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

## TREATY No. 7.

Messrs. I. G. Baker & Co. are the only tenderers for Treaty No. 7, except the Messrs. Gilmour & Co., of Montreal, whose tender for wire fencing was received after 12 noon on the 1st May.

We have compared the prices quoted by the first-named firm with those of the Hudson Bay Company for similar articles to be delivered at Edmonton, and consider them reasonable.

So far as wire fencing is concerned, we find that the Messrs. Gilmour's tender (received late) is, per lb.,  $11\frac{3}{4}$  cents, as against I. G. Baker's,  $12\frac{1}{2}$  cents; being a difference against the latter of  $\frac{3}{4}$  cent per lb., and it will therefore be to the interest of the Department to accept the tender of the Messrs. Baker & Co. for all, except the wire fencing, for which negotiations might be opened with the Messrs. Gilmour to supply at their figures, and we beg to recommend accordingly.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

## TREATIES NOS. 4 AND 6.

The Hudson Bay Co. are the only competitors who tender for all the points of supply.

The competing tenderers are: 1st. Hudson Bay Co.; 2nd. I. G. Baker & Co.; 3rd. S. & H. Borbridge; 4th. Risley & Kerrigan.

The two last named firms were higher than the others in every item tendered for.

As between the Hudson Bay Co. and the Messrs. Baker & Co., the competition is as follows:—

The company is lower than Baker & Co. in every item save the following, and the difference in price in those items is only \$13.80 against the company:

Pick axes.....	\$1 20
Hammers.....	0 60
Rope.....	4 00
Hand saws.....	3 00
Tool chests.....	5 00

\$13 80

The number of the remaining items of the whole tender being 20. We therefore recommend that the Hudson Bay Co. receive the contract for the supplies of tools in Treaties 4 and 6.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

### TREATY No. 7.

Messrs. I. G. Baker are the only tenderers for the supply of tools in Treaty 7, and we recommend that their tender for all the items may be accepted saving axle grease, which is quoted at a figure so high as to satisfy us that the tenderers have made a mistake, which it is now too late to rectify. We consider the prices for all the other items reasonable.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

### SUPPLIES FOR INDIAN DAY SCHOOLS.

The only article called for was biscuit.

The tenderers were:

1. Hudson Bay Co.—Full tender, excepting at Fort Macleod.....	\$1,747 50
Taking the price quoted for the Blackfoot Crossing, and adding freight at \$1 per 100 lbs. per mile, the supply for Fort Macleod would cost.....	427 50
	————— \$2,175 00
2. I. G. Baker & Co. tender for three points only—Blackfoot Crossing and Edmonton and Fort Macleod. For the first named point their tender is 33 per cent. higher than that of the company.	
3. A. Macdonald—Full tender.....	2,583 75
4. J. & C. Coughlin.....	3,656 25

The company is therefore \$408.75 lower than the next lowest tenderer, and on condition of their also furnishing the biscuit required for Fort Macleod, we recommend that their tender be accepted.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

### INDUSTRIAL SCHOOLS—WOODENWARE, HARDWARE, STOVES, &c.

We have expended a good deal of time in a careful examination of the claims of the different tenderers for this class of supplies, as exhibited both in the prices quoted and the samples furnished. The three real competitors are the Messrs. I. G. Baker, Noah L. Piper and Joseph Esmonde, of Ottawa. In the majority of the prices quoted the Messrs. Piper & Co.'s are decidedly the most favorable, and the value of the samples submitted by that firm bears an equally favorable comparison, while in the cases where their samples are marked "2," or even "3," we consider that difference in price compensates for difference in quality, and that the article offered will answer the purpose as well as the better sample. The tender of the Messrs. Baker for cooking stoves at less than one-half the price asked by the other tenderers we consider should be rejected, believing it to be impossible that they can be furnished for that price. We are of opinion, further, that to split the tender would result in a general withdrawal of the offers.

We therefore recommend for acceptance the tender of the Messrs. Piper & Son.

ROBT. SINCLAIR.  
T. P. WADSWORTH.



## INDIAN HEAD—INDUSTRIAL SCHOOLS—PAGE 34 OF SCHEDULE.

## WOODENWARE, HARDWARE, STOVES, &amp;c.

Number.		Prices.			Comparative Value.		
		Baker.	Piper.	Esmond.	Baker.	Piper.	Esmond.
		\$ cts.	\$ cts.	\$ cts.			
1	Brushes..... each.	0 75	0 46	0 70	1	2	3
2	Cups and saucers .... doz.	6 25	5 50	14 40	0	1	2
3	Combs ..... "	1 20	0 72	3 60	1	3	2
4	do ..... "	0 60	0 31	1 20	1	3	2
5	Flesh forks ..... each.	0 15	0 11	0 15	2	3	1
6	Knives and forks..... doz.	1 75	1 45	1 80	=	=	=
7	do carvers ..... each.	1 50	1 55	2 00	=	=	=
8	do butcher ..... "	1 00	0 95	0 90	=	=	3
9	Lamps, bracket..... "	1 25	1 15	1 00	0	1	2
10	do stand..... "	1 25	0 95	1 00	0	1	2
11	do chimneys ..... "	0 25	0 07½	0 10	0	0	0
12	do wicks ..... "	0 02	0 01	0 01	0	0	0
13	Lanterns ..... "	1 25	0 90	1 00	2	3	1
14	Looking glasses ..... "	0 70	0 28	0 25	0	0	0
15	Meat dishes..... "	0 75	1 40	1 50	0	0	1
16	Mop sticks..... "	0 20	0 18	0 20	=	=	=
17	Dish pans..... "	1 80	1 87	2 00	0	0	1
18	Oil cans ..... "	0 40	0 35	0 50	0	2	1
19	Plates, dinner..... doz.	4 20	2 85	4 50	0	2	1
20	do soup ..... "	4 80	4 20	4 50	0	2	1
21	Porridge pots ..... "	1 70	1 56	2 00	0	2	1
22	Soup ladles ..... "	0 15	0 10	0 25	0	2	1
23	Stoves, cooking..... each.	73 00	150 00	150 00	0	0	0
24	do box ..... "	18 50	10 00	9 50	0	0	0
25	do pipes ..... length.	0 20	0 20	0 10	0	0	0
26	do elbows ..... each.	0 30	0 40	0 30	0	0	0
27	Scrubbing brushes ..... doz.	2 25	2 10	3 00	=	=	=
28	Spoons, table..... "	3 00	3 20	4 50	=	=	=
29	do tea..... "	1 75	1 25	2 50	=	=	=
30	do basting..... each.	0 12½	0 09	0 20	2	1	3
31	Vegetable dishes..... "	1 75	1 85	2 50	0	0	0
32	Wash tubs ..... "	1 25	2 10	2 00	0	0	0
33	do boards ..... "	0 20	0 25	0 25	2	1	3
34	do basins..... "	0 40	0 20	0 25	=	=	=
35	Water pails..... "	0 45	0 45	0 75	2	3	1

= Means equal. 0 Means no sample.

Baker & Co., evidently, did not know the price of meat dishes or the kind required.

Messrs. Risley & Kerrigan make a partial tender (only 8 items out of 35) and not accompanied by samples; we therefore consider them out of the competition, which rests with the three firms above mentioned.

## INDUSTRIAL SCHOOLS—CLOTHING.

(Page 32 of Schedule.)

1. *Brogans*.—We consider that the sample for these, submitted by Baker & Co., at one-third of the price, \$1.25, against \$3.75 of Borbridge, the only other tenderer, to be good enough for the purpose, and providing that they will agree to supply all the three points called for in sizes assorted for boys from 7 to 14 years of age, we recommend that their tender be accepted.

2. *Fur Caps*.—The Messrs. Baker & Co. submit the best samples of these, and the price, \$1.50, is reasonable. We recommend, that if they will furnish the three points called for in the proper sizes, that their tender be accepted.

*Shoe Packs*.—We recommend that the offer of the Messrs. Borbridge to supply oil-tanned shoe packs at \$11 per dozen be accepted. Mr. Borbridge agrees to supply at all the points named in the schedule, and was the only tenderer who supplied samples as required. The prices given by Baker & Co. and Messrs. Garland & Co., of Ottawa, were, respectively, \$15 and \$19.20.

We further recommend that if the Messrs. Baker & Co. decline to furnish brogans and fur caps in the manner above specified, that no contract for them may be awarded, but that they should be purchased as required by the Department.

In like manner, we recommend that as there is no competition in grey felt hats (samples having been submitted by Garland, of Ottawa, only), that they may be purchased from him at \$1.26 at Indian Head, and at \$1.28 at the other two points.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

With respect to the tenders for the further articles of clothing named in the schedule, we beg to recommend for favorable consideration that of the Messrs. Gilmour, of Montreal, for the following reasons :—

1. Satisfactory samples.
2. Moderate prices, and the lowest, except in underclothing.
3. A full tender, *i. e.*, for every point. The sample of underclothing which Baker & Co. tendered on is of inferior quality to that submitted by Gilmour & Co., and is hardly suitable for so severe a climate.

R. S.  
T. P. W.

## INDUSTRIAL SCHOOLS—DRY GOODS GENERALLY.

(Page 33 of Schedule.)

We remark that there are three tenderers for these supplies, *viz.*, Baker & Co., Gilmour & Co., and Garland, and that the two last named are the only competitors for all the points mentioned, although they have each omitted to tender for three items named in the schedule, *viz.* :—

<i>Gilmour &amp; Co.</i>		<i>Garland.</i>	
	per yard.		
Duffle .....	\$2 25	Duffle.	
For Mattresses, linen. ....	0 22	Pocket handkerchiefs.	
Striped shirting.....	0 14	Tea towelling.	

We produce, on the other side of this sheet, a comparative statement of prices and relative values as between the three competitors, and providing that the Messrs. Gilmour & Co., of Montreal, will agree to furnish duffle, mattress linen and striped shirting at the prices quoted by Baker & Co. for those articles at the different points, with the addition of 2 cents per yard on each of the articles delivered at Battleford,



we recommend that their tender be accepted, as it will be seen, by examining the statement, that their prices are lowest for almost every item.

ROBT. SINCLAIR.  
T. P. WADSWORTH.

	Baker & Co.	Gilmour & Co.	Garland.
Buttons .....	0	1	0
do shirt.....	\$ 0 50	\$ 0 25	\$ 0 27½
	0	1	0
	0 25	0 06	0 25
	=	=	3
Grey blankets .....	8 75	7 80	5 84
	=	=	3
Blue do .....	8 75	7 80	6 88
	3	1	2
Cotton, unbleached.....	0 10	0 12½	0 13½
	=	=	=
Brown duck .....	0 18	0 19	0 22½
	0	0	0
Duffie .....	2 25	0 00	0 00
	=	=	=
Flannel .....	0 32	0 32	0 37½
	=	=	=
Full cloth .....	0 65	0 54	0 68
	1	0	2
Linen, mattress .....	0 22	0 00	0 26
	0	1	0
Needles .....	1 50	1 30	1 10
	=	=	0
Handkerchiefs.....	1 50	1 00	0 00
	=	0	=
Striped shirting .....	0 14	0 00	0 20½
	2	1	3
Sheeting, unbleached .....	0 25	0 28	0 41
	Russian.	All linen.	0
Towelling .....	0 11	0 10½	0 13½
	=	=	0
Tea towelling .....	0 16	0 11	0 00
	0	1	0
Tape .....	1 30	0 70	0 75
	0	1	0
Thread .....	15 00	11 60	12 60
	=	=	=
Ticking, striped .....	0 24	0 22	0 29½

#### 4.—Copies of all Contracts.

ARTICLES OF AGREEMENT made and entered into in duplicate this twenty ninth day of May, 1884, between Her Majesty Queen Victoria, represented herein by the Right Hon. Sir John A. Macdonald, Superintendent-General of Indian Affairs, of the first part, I. G. Baker & Co., of the second part, and W. J. Costigan and J. Wilson, of the third part.

Witnesseth that the said parties of the second part for themselves, their heirs, executors and administrators, for the consideration hereinafter set forth, covenant, promise and agree to and with the party of the first part, that they will furnish and deliver beef at the times and in the quantities required on the several Indian reserves mentioned in schedule hereto annexed marked "A," or such further quantities as may, from time to time, be demanded by the Superintendent-General of Indian Affairs, or any officer acting under his authority, at the prices mentioned and under the conditions as to killing and delivering which are specified in the marginal note under the heading

of "Remarks" in the said schedule for a period of two years, from the 1st day of November, 1884, to the 31st day of October, 1886.

In consideration whereof, and on receipt of the said beef, as required, in good order and condition on the several Indian reserves mentioned in the aforesaid schedule, the said party of the first part will pay to the said parties of the second part the prices for the same at the rates mentioned and set forth in the said schedule.

And the said parties of the third part for themselves, their heirs, executors and administrators, hereby covenant, promise and agree to and with the said party of the first part, that the said parties of the second part shall and will well and truly perform, observe and keep all and singular the covenants and agreements herein contained on their part to be performed, observed and kept according to the intent and meaning thereof.

In witness whereof the said party of the first part has hereunto set his hand and seal on behalf of Her Majesty Queen Victoria, and the parties of the second and third part have hereunto set their hands and seals.

Signed, sealed and delivered in presence }  
of L. VANKOUGHNET, as witness to }  
the signature of the Superintendent- }  
General. }  
CHARLES SMYTH, of I. G. Baker & Co.  
W. T. COSTIGAN,  
JACOB WILSON,

JOHN A. MACDONALD, [L.S.]  
*Supt.-Gen. of Indian Affairs.*

I. G. BAKER & CO. [L.S.]  
W. T. COSTIGAN. [L.S.]  
J. WILSON. [L.S.]



## TREATY No. 7.

## PROVISIONS FOR DESTITUTE INDIANS.

	Blood Reservation, Belly River. In Gov. Storehouse.		Piegan Reservation In Government Storehouse.		Blackfoot Crossing. In Government Storehouse.		Sarcee Reservation. In Government Storehouse.		Remarks. — Description of Goods.
	Quantity.	Rate.	Quantity.	Rate.	Quantity.	Rate.	Quantity.	Rate.	
Beef..... lbs	237,250	\$ cts 0 11½	82,125	\$ cts 0 11½	200,750	\$ cts 0 11½	41,063	\$ cts. 0 12	To be killed and delivered in quantities, as required, at any point or points upon the different reservations, or adjacent thereto, designated by the Agents, in quarters, net on the scales in the Ration Houses—not less than one animal at a time; the meat to be well butchered and of good quality; hides, heads, tongues, hearts, livers, paunches and intestines to be equally with the dressed quarters the property of the Government; the Department not to be bound to accept delivery of the whole 561,188 lbs, but those figures are given as approximating to the quantity which will probably be required. The tenders for the supply of beef must also include a tender for the hides of all the animals killed and delivered at so much for each hide, to be removed from the custody of the Indian Department immediately after the killing.
Date of delivery commences on.....		Nov. 1, 1884.		Nov. 1, 1884.		Nov. 1, 1884.		Nov. 1, 1884.	

The undersigned hereby agree with the Superintendent-General of Indian Affairs to deliver the above mentioned quantities of supplies to his agent or agents at the places, for the rates, and on the dates as specified above, and of the quality and character as specified under the heading of Remarks, and do further agree to furnish in addition, if required, at the same places, additional supplies, in any quantities required, of same description and quality and at same rates, provided notice of such requirement be given, and will execute a formal contract in pursuance thereof.

I. G. BAKER & CO.

We hereby agree to become sureties for the due fulfilment of the above, and will execute a contract to that effect when called upon by the Superintendent General of Indian Affairs to do so.

W. T. COSTIGAN.

J. WILSON.

ARTICLES OF AGREEMENT made and entered into in duplicate this twenty-ninth day of May, A. D. 1884, between Her Majesty Queen Victoria, represented herein by the Right Hon. Sir John A. Macdonald, Superintendent-General of Indian Affairs, of the first part; I. G. Baker & Co, of Fort Benton, Montana, United States, of the second part, and W. T. Costigan and Jacob Wilson of Montreal, Canada, of the third part.

Witnesseth that the said parties of the second part for their heirs, executors and administrators, for the consideration hereinafter set forth, covenant, promise and agree to and with the party of the first part, that they will, on or before the dates mentioned in the schedule hereto annexed, furnish and deliver, in good order and condition, to the several Indian agents at the points mentioned in the said schedules, the several articles and supplies mentioned and set forth in the schedule thereof hereunto annexed marked "A," in the quantities and of the qualities and of the prices therein mentioned, and that the same shall in all respects be of the same quality and otherwise conform to the samples to be seen in the Indian Office at Ottawa, and any further supplies of the same which may be required as per foot notes of the said schedules.

In consideration whereof, and upon receipt of the same in good order and condition, on or before the dates mentioned in the aforesaid schedules, the said party of the first part will pay to the said party of the second part the prices at the rates mentioned and set forth in said schedule.

And the said parties of the third part for themselves, their heirs, executors and administrators, hereby covenant, promise and agree to and with the said party of the first part, that the said parties of the second part shall and will well and truly perform observe and keep all and singular the covenants and agreements herein contained on their part to be performed, observed and kept, according to the intent and meaning thereof.

In witness whereof the said party of the first part has hereunto set his hand and seal on behalf of Her Majesty, Queen Victoria, and the parties of the second and third part have hereunto set their hands and seals.

Signed sealed and delivered in presence of—

L. VANKOUGHNET,  
As witness to signature of Supt. Genl.

JOHN A. MACDONALD, [L.S.]  
*Supt.-Genl. of Indian Affairs.*

E. M. MATTHEWS,  
Witness to I. G. Baker & Co.

I. G. BAKER & CO. [L.S.]

JOHN TALMEN,  
Witness to the signatures of W. }  
T. Costigan and J. Wilson. }

W. T. COSTIGAN. [L.S.]  
J. WILSON. [L.S.]

ARTICLES OF AGREEMENT made and entered into in duplicate this twenty-ninth day of May, 1884, between Her Majesty, Queen Victoria, represented herein by the Right Hon. Sir John A. Macdonald, Superintendent-General of Indian Affairs, of the first part; J. Y. Gilmour & Co., of the second part, and A. Meyer Weston and A. W. D. Howell, of the third part.

Witnesseth that the said parties of the second part, for their heirs, executors and administrators, for the consideration hereinafter set forth, covenant, promise and agree to and with the party of the first part that they will, on or before the dates mentioned in the schedules hereto annexed, furnish and deliver, in good order and condition, to the several Indian agents at the points mentioned in the said schedules, the several articles and supplies mentioned and set forth in the schedule thereof hereunto annexed, marked "A," in the quantities and of the qualities and of the prices therein mentioned, and that the same shall, in all respects, be of the same quality and otherwise conform to the samples to be seen in the Indian office at Ottawa, and any further supplies of the same which may be required, as per foot notes of the said schedule.



In consideration whereof, and upon receipt of the same in good order and condition on or before the dates mentioned in the aforesaid schedules, the said party of the first part will pay to the said parties of the second part the prices at the rates mentioned and set forth in the said schedules, and the said parties of the third part, for themselves, their heirs, executors and administrators, hereby covenant, promise and agree to and with the said party of the first part, that the said parties of the second part shall and will well and truly perform, observe and keep all and singular the covenants and agreements herein contained on their part to be performed, observed and kept according to the intent and meaning thereof.

In witness whereof, the said party of first part has hereunto set his hand and seal on behalf of Her Majesty Queen Victoria, and the parties of the second and third parts have hereunto set their hands and seals.

Signed, sealed and delivered in presence of  
of L. VANKOUGHNET, as witness of  
signature of Superintendent-General. }

J. O. PARÉ,  
J. O. PARÉ,  
J. O. PARÉ,

JOHN A. MACDONALD, [L.S.]  
*Supt.-Gen. of Indian Affairs.*

J. Y. GILMOUR & CO. [L.S.]  
A. H. D. HOWELL. [L.S.]  
A. MEYER WESTON. [L.S.]

ARTICLES OF AGREEMENT made and entered into in duplicate this twenty-ninth day of May, 1884, between Her Majesty Queen Victoria, represented herein by the Right Hon. Sir John A. Macdonald, Superintendent-General of Indian Affairs, of the first part, and S. & H. Borbridge, of the second part, and W. J. Baskerville, and A. Swalwell, of the third part.

Witnesseth that the said parties of the second part, for their heirs, executors and administrators, for the consideration hereinafter set forth, covenant, promise and agree to and with the party of the first part, that they will, on or before the dates mentioned in the schedules hereto annexed, furnish and deliver, in good order and condition, to the several Indian agents at the points mentioned in the said schedules, the several articles and supplies mentioned and set forth in the schedule thereof, hereunto annexed, marked "A," in the quantities and of the qualities and of the prices therein mentioned, and that the same shall in all respects be of the same quality and otherwise conform to the sample to be seen in the Indian office at Ottawa, and any further supplies of the same which may be required as per foot notes of the said schedule.

In consideration whereof, and upon receipt of the same in good order and condition, on or before the dates mentioned in the aforesaid schedules, the said parties of the first part will pay to the said parties of the second part the prices at the rates mentioned and set forth in said schedule.

And the said parties of the third part, for themselves, their heirs, executors and administrators, hereby covenant, promise and agree to and with the said party of the first part, that the said parties of the second part shall and will well and truly perform and observe and keep all and singular the covenants and agreements herein contained on their part to be performed, observed and kept according to the intent and meaning thereof.

In witness whereof, the said party of the first part has hereunto set his hand and seal on behalf of Her Majesty Queen Victoria, and the parties of the second and third parts have hereunto set their hands and seals.

Signed, sealed and delivered in presence of—

L. VANKOUGHNET,  
As witness for signature to Supt.-Genl.

JOHN A. MACDONALD. [L.S.]  
*Supt. Genl. of Indian Affairs.*

E. BOURNE,  
Witness to this signature.

S. & H. BORBRIDGE. [L.S.]

B. BASKERVILLE, Witness.

W. J. BASKERVILLE. [L.S.]

E. BOURNE, Witness to this signature.

A. SWALWELL. [L.S.]

ARTICLES OF AGREEMENT made and entered into in duplicate this seventeenth day of May, 1884, between Her Majesty Queen Victoria, represented herein by the Right Hon. Sir John A. Macdonald, Superintendent-General of Indian Affairs of the first part; T. C. Power & Brother, of Maple Creek, North-West Territories, of the second part, and T. C. Power, of Fort Benton, Montana, and D. W. Marsh, of Maple Creek, aforesaid, of the third part.

Witnesseth that the said parties of the second part, for their heirs, executors and administrators, for the consideration hereinafter set forth, covenant, promise and agree to and with the party of the first part that they will, on or before the dates mentioned in the schedules hereto annexed, furnish and deliver, in good order and condition, to the several Indian agents at the points mentioned in the said schedules, the several articles and supplies mentioned and set forth in the schedule thereof hereunto annexed, marked "A," in the quantities and of the qualities and of the prices therein mentioned, and that the same shall in all respects be of the same quality and otherwise conform to the samples to be seen in the Indian office at Ottawa, and any further supplies of the same which may be required, as per foot notes of the said schedule.

In consideration whereof, and upon receipt of the same in good order and condition, on or before the dates mentioned in the aforesaid schedules, the said party of the first part will pay to the said party of the second part the prices at the rates mentioned and set forth in said schedule.

And the parties of the third part, for themselves, their heirs, executors and administrators, hereby covenant, promise and agree to and with the said party of the second part that they shall and will well and truly perform, observe and keep all and singular the covenants and agreements herein contained on their part to be observed and kept according to the intent and meaning thereof.

In witness whereof, the said party of the first part has hereunto set his hand and seal, on behalf of Her Majesty Queen Victoria, and the parties of the second and third parts have hereunto set their hands and seals.

Signed, sealed, and delivered in presence of—

L. VANKOUGHNET,  
As witness to sig. of Supt.-Genl.

JOHN A. MACDONALD. [L.S.]  
*Supt.-Genl. Ind. Affairs.*

J. P. KELLY,  
J. P. VIDAL,  
J. P. VIDAL,

T. C. POWER & BRO. [L.S.]  
THOMAS C. POWER. [L.S.]  
D. W. MARSH. [L.S.]

ARTICLES OF AGREEMENT made and entered into in duplicate this twenty-ninth day of May, 1884, between Her Majesty Queen Victoria, represented herein by the Right Hon. Sir John A. Macdonald, Superintendent-General of Indian Affairs, of the first part; Noah L. Piper & Son of the second part, and Henry J. Rose and Hiram Piper, of the third part.

Witnesseth that the said parties of the second part, for their heirs, executors and administrators, for the consideration hereinafter set forth, covenant, promise and agree to and with the party of the first part that they will, on or before the dates mentioned in the schedule hereto annexed, furnish and deliver, in good order and condition, to the several Indian agents at the points mentioned in the said schedules, the several articles and supplies mentioned and set forth in the schedule thereof hereunto annexed, marked "A," in the quantities and of the qualities and of the prices therein mentioned, and that the same shall, in all respects, be of the same quality and otherwise conform to the samples to be seen in the Indian office at Ottawa, and any further supplies of the same which may be required, as per foot notes of the said schedule.

In consideration whereof, and upon receipt of the same in good order and condition, on or before the dates mentioned in the aforesaid schedules, the said party of



the first part will pay to the said parties of the second part the prices at the rates mentioned and set forth in the said schedules.

And the said parties of the third part, for themselves, their heirs, executors and administrators, hereby covenant, promise and agree to and with the said party of the first part, that the said parties of the second part shall and will well and truly perform, observe and keep all and singular the covenants and agreements herein contained on their part to be performed, observed and kept according to the intent and meaning thereof.

In witness whereof the said party of the first part has hereunto set his hand and seal on behalf of Her Majesty Queen Victoria, and the parties of the second and third parts have hereunto set their hands and seals.

Signed, sealed and delivered in presence  
of L. VANKOUGHNET, as witness to  
signature of the Superintendent-  
General.

L. BRAKE

JOHN A. MACDONALD, [L.S.]  
*Supt.-Gen. of Indian Affairs.*

{ NOAH L. PIPER & SON. [L.S.]  
HENRY J. ROSE. [L.S.]  
HIRAM PIPER. [L.S.]

ARTICLES OF AGREEMENT made and entered into in duplicate this twenty-ninth day of May, 1884, between Her Majesty Queen Victoria, represented herein by the Right Hon. Sir John A. Macdonald, Superintendent-General of Indian Affairs, of the first part; James Wright & Co., of the second part, and John Campbell and A. B. Powell & Co., of the third part.

Witnesseth that the said parties of the second part, for their heirs, executors and administrators, for the consideration hereinafter set forth, covenant, promise and agree to and with the party of the first part, that they will, on or before the dates mentioned in the schedules hereto annexed, furnish and deliver, in good order and condition, to the several Indian agents at the points mentioned in the said schedules the several articles and supplies mentioned and set forth in the schedule thereof hereunto annexed, marked "A," in the quantities and of the qualities and of the prices therein mentioned, and that the same shall in all respects be of the same quality and otherwise conform to the samples to be seen at the Indian office at Ottawa, and any further supplies of the same which may be required, as per foot notes of the said schedule.

In consideration whereof, and upon receipt of the same in good order and condition, on or before the dates mentioned in the aforesaid schedule, the said party of the first part will pay to the said parties of the second part the prices at the rates mentioned and set forth in said schedules.

And the said parties of the third part, for themselves, their heirs, executors and administrators, hereby covenant, promise and agree to and with the said party of the first part, that the said parties of the second part shall and will well and truly perform, observe and keep all and singular the covenants and agreements herein contained on their part to be performed, observed and kept according to the intent and meaning thereof.

In witness whereof, the said party of the first part has hereunto set his hand and seal on behalf of Her Majesty Queen Victoria, and the parties of the second and third parts have hereunto set their hands and seals.

Signed, sealed and delivered in presence  
of JOSEPH POPE, as witness to the  
Signature of the Superintendent-  
General.

JOHN A. MACDONALD, [L.S.]  
*Supt.-Gen. of Indian Affairs.*

R. S. HANNAH.  
R. S. HANNAH.  
THOS S. WINTON,

JAMES WRIGHT & CO. [L.S.]  
JOHN CAMPBELL. [L.S.]  
A. B. POWELL & CO. [L.S.]

**ARTICLES OF AGREEMENT** made and entered into in duplicate this twenty-seventh day of May, 1884, between Her Majesty Queen Victoria, represented herein by the Right Hon. Sir John A. Macdonald, Superintendent-General of Indian Affairs, of the first part; the Hon. the Hudson Bay Company, of the second part, and James A. Graham and T. W. Parson, of the third part.

Witnesseth that the said parties of the second part, for their heirs, executors and administrators, for the consideration hereinafter set forth, covenant, promise and agree to and with the party of the first part that they will, on or before the date mentioned in the schedules hereto annexed, furnish and deliver, in good order and condition, to the several Indian agents at the points mentioned in the said schedules, the several articles and supplies mentioned and set forth in the schedule thereof hereunto annexed, marked "A," in the quantities and of the qualities and of the prices therein mentioned, and that the same shall in all respects be of the same quality and otherwise conform to the samples to be seen in the Indian office at Ottawa, and any further supplies of the same which may be required, as per foot notes of the said schedule.

In consideration whereof, and upon receipt of the same in good order and condition, on or before the dates mentioned in the aforesaid schedules, the said parties of the first part will pay to the said party of the second part the prices at the rates mentioned and set forth in the said schedules.

And the said parties of the third part, for themselves, their heirs, executors and administrators, hereby covenant, promise and agree to and with the said party of the first part, that the said parties of the second part shall and will well and truly perform, observe and keep all and singular the covenants and agreements herein contained on their part to be performed, observed and kept according to the intent and meaning thereof.

In witness whereof, the said party of the first part has hereunto set his hand and seal on behalf of Her Majesty Queen Victoria, and the parties of the second and third parts have hereunto set their hands and seals.

Signed, sealed and delivered in presence  
of JOSEPH POPE, as witness to the signature of the Superintendent-General.

JOHN A. MACDONALD, [L.S.]  
*Supt.-Gen. of Indian Affairs.*

For the Hudson Bay Company,

W. W. ADAMS.  
THOMAS CLOUSTON.

THOMAS R. SMITH, [L.S.]  
J. A. GRAHAM, [L.S.]

W. R. GRAHAME.

*Chief Commissioner H. B. Co.*  
T. H. PARSON, [L.S.]  
*Chief Factor H. B. Co.*

29th May, 1884.

GENTLEMEN,—I beg to return herewith articles of agreement between your firm and the Superintendent-General of Indian Affairs, and to say that the signatures of yourselves and your sureties must be witnessed before the documents can be executed by the Superintendent-General.

May I request you, therefore, to be good enough to have your signatures witnessed, and the documents returned with the least possible delay.

I am, &c.,

R. SINCLAIR.

Messrs. JAMES WRIGHT & Co., London, Ont.

27th May, 1884.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 26th May, covering your cheque for \$86.36, and to enclose to you herewith the cheque held, up to this date, by the Department, for \$231.



The Department notes the substitution of the name of Mr. C. Meyer Weston for that of Malcolm Morrison, and the reason for the substitution.

Your copy of the contract will be transmitted to you so soon as it has received the signature of the Superintendent-General of Indian Affairs, which may not be affixed for some days.

The Department is glad to learn that you are pushing forward the shipment of the goods, which it is hoped will reach points of delivery in good time.

I have, &c.,

ROBERT SINCLAIR.

J. Y. GILMOUR & Co., Merchants, Montreal.

MONTREAL, 26th May, 1884.

SIR,—We beg to acknowledge receipt of your valued favor of 26th inst., and thank you for the instructions contained therein. Herewith you have the contract signed in duplicate, as requested.

We were obliged to substitute the name of Mr. A. Meyer Weston for that of Mr. Malcolm Morrison, the latter being absent in the Lower Provinces, and not expected back for some time. We shall be pleased to receive back one copy of contract, as promised.

We also enclose our cheque for \$86.36, being 10 per cent. on the value of wire fencing, striped shirting and coarse linen. Please return to us our cheque for \$231, which you now hold.

The blankets, wool shirts, drawers, mitts and socks are being made. We are promised delivery this week. We expect to have all goods complete and shipped by the 4th prox.

The delay in shipping is caused by our having to get special sizes made for you in the shirts, drawers, socks and mitts.

Your obedient servant,

J. Y. GILMOUR, per HOWELL.

Deputy Superintendent-General of Indian Affairs, Ottawa.

WINNIPEG, 22nd May, 1884.

SIR,—I beg to acknowledge the receipt of your letter of 14th inst., No. 10830, returning my cheque, No. 999, for \$18,000.

Will you kindly furnish me with prices at which contracts were awarded at different points, and oblige

Your obedient servant,

A. MACDONALD.

L. VANKOUGHNET, Esq., Deputy Supt.-General of Indian Affairs.

TORONTO, 23rd May, 1884.

DEAR SIR,—With this we beg to hand you articles of agreement executed.

We would have returned them sooner, but Mr. Piper was out of town, and only returned to-day.

Yours very truly,

NOAH L. PIPER & SON.

ROBT. SINCLAIR, Esq., Department of Indian Affairs, Ottawa.

CHICAGO, 17th May, 1884.

SIR,—I have the honor to return, in duplicate, agreements for delivery of Indian supplies in North-West Territory, duly signed and witnessed. When fully executed, please transmit one copy to T. C. Power & Bro., Maple Creek, N. W. T.

I have understood that bids for beef at agencies in Macleod district were not accepted by the Department. Should you advertise for new tenders, kindly mail me

here (193 South Water street) notice and forms of tender. Also return to same address our certified cheque for two thousand dollars (\$2,000) placed with you 1st May, covering tenders.

I am, &c.,

T. C. POWER.

L. VANKOUGHNET, Esq., Deputy Superintendent-General Indian Affairs.

May 17th, 1884.

SIR,—I have the honor to transmit to you herewith, for execution by yourself and the sureties of the Hudson Bay Company, the articles of agreement providing for the delivery of the various Indian supplies, the company's tender for which has been accepted by the Superintendent-General of Indian Affairs. A copy of the schedule, marked "A," is appended to the duplicate of agreement to be retained by you; and to that copy of the schedule has been added the price of the flour, at \$1.25 per sack, to be delivered on the Piegan reservation; axle grease, to be delivered at Fort MacLeod, at 13 cents per box, and biscuit for the industrial school at Fort MacLeod, at  $1\frac{1}{2}$  cents per pound.

May I request that you will have the goodness to cause these articles of agreement to be returned to this Department, after having been signed and witnessed, in order that they may be signed by the Superintendent-General of Indian Affairs.

One copy of the agreement will be returned to you as soon as it is executed by the Superintendent-General.

I am, &c.,

L. VANKOUGHNET.

THOS. R. SMITH, Esq., Hudson Bay Company, Winnipeg, Man.

17th May, 1884.

GENTLEMEN,—I beg to transmit to you herewith enclosed articles of agreement to furnish Indian supplies in accordance with your accepted tender, a copy of which is annexed to the duplicate of the agreement.

I have to request that you will be so good as to sign the agreements, and after they have also been signed by your sureties, that you will return them to this Department, for execution by the Superintendent-General of Indian Affairs, after which a copy will be forwarded to you.

I am, &c.,

ROBERT SINCLAIR.

MESSRS. S. & H. BORBRIDGE, Ottawa.

1st May, 1884.

GENTLEMEN,—I beg leave to transmit to you herewith, for execution by yourselves and sureties, articles of agreement with the Superintendent-General of Indian Affairs to furnish Indian supplies in accordance with your accepted tender for the same, copy of which is attached to the duplicate articles of agreement.

May I request you to be good enough to return these documents to this Department after signature, in order that they may be executed by the Superintendent-General, after which one of the copies will be returned to you.

I am, &c.,

ROBERT SINCLAIR.

MESSRS. NOAH L. PIPER & SON, Toronto,  
J. Y. GILMOUR & Co., Montreal,  
JAMES WRIGHT & Co., London, Ont.

OTTAWA, 15th May, 1884.

SIR,—We beg to acknowledge receipt of your letter of 14th inst., in reference to continuing furnishing beef.



We will continue to furnish beef to your Indians at the reserves, in Treaty 7, from July 1st to November 1st next, at the same prices we are now receiving, at your request.

Very respectfully,

I. G. BAKER & CO.

L. VANKOUGHNET, Deputy Superintendent-General Indian Affairs, Ottawa.

15th May, 1884.

SIR,—With further reference to the letter addressed to you on the 14th instant, I have the honor to inform you that your tender for the delivery of flour upon the Piegan reserve has also been accepted by the Department, and will be included in the schedule which will accompany the contracts sent for execution.

I beg to embody herein copy of my message of the 14th instant in this regard, and to confirm the same:—

“Your tender for flour Piegan reserve at four twenty-five also accepted. Will confirm by letter.”

I am, &c.,

ROBERT SINCLAIR.

THOS. R. SMITH, Esq., Hudson Bay Co., Winnipeg, Man.

15th May, 1884.

GENTLEMEN,—I beg to acknowledge the receipt of your letter of the 14th instant, stating that an error had been made in your tender, so that you appear to be bidding to supply flour on the Piegan reserve instead of at the Blackfoot Crossing.

In reply, I beg to say that under the circumstances the Department will relinquish any rights which your tender for the supply of flour on the Piegan reserve may have conferred.

I am, &c.,

ROBERT SINCLAIR.

Messrs. T. C. POWER & Bro., Russell House, Ottawa.

(Telegram.)

14th May, 1884.

THOS. R. SMITH, Winnipeg, Man.

You understand message of thirteenth, which is confirmed, and will be further confirmed by letter posted to-day. Department wishes company to quote price axle grease in Treaty 7, and to agree to furnish quantities required.

ROBERT SINCLAIR.

HUDSON BAY COMPANY, WINNIPEG, MAN., 14th May, 1884.

GENTLEMEN,—I have the honor to inform you that the bulk of your tender for furnishing Indian supplies in Manitoba and the North-West Territories has been accepted by the Superintendent-General of Indian Affairs, and to repeat my message of the 13th inst., addressed to Thomas R. Smith, Hudson Bay Company, Winnipeg, and I now beg to confirm the same:—

“The following tenders accepted for Manitoba, Keewatin and Duck Bay: For flour, treaties four, six and seven, except at Piegan Reserve; for destitute, for bacon which must be all short clear, treaties four, six, seven, except at Indian Head; for destitute Indians, farmers and annuity payments for groceries, treaties four, six, seven, except for farmers, Fort Macleod; and tobacco for annuity payments, Indian Head for ammunition, treaties four and six; for twine, lines and wire, for treaties four and six; for harness, treaties four and six; for agricultural implements, in treaties four and six, except harrows, carts and waggons; for tools, treaties four and six; for hard-tack, treaties four, six and seven; also axle grease in treaties seven. Am writing.”

Forms of contract, for execution by yourselves and sureties, will be prepared and transmitted as soon as possible.

The Department has decided not, at present, to accept any tender for a hand mill at Fairford reservation; but desires that you will furnish axle grease, in Treaty 7, in quantities required, and requests that a price may be quoted.

I am, &c.,

ROBERT SINCLAIR.

OTTAWA, 14th May, 1884.

GENTLEMEN,—I have the honor to inform you that your tenders for furnishing Indian supplies at various points in the North-West have been accepted, as follows:—

Groceries for farmers, Fort Macleod, waggons at Indian Head, all the agricultural implements required for Treaty No. 7, excepting wire fencing, all the articles enumerated in the schedule headed "Tools for Treaty No. 7," except axle grease; brogans and fur caps for Indian industrial schools, Treaties 4, 6 and 7, providing you will agree to deliver at Battleford. Forms of contract, for execution by yourselves and sureties, will be prepared and transmitted as soon as possible.

I am, &c.,

ROBERT SINCLAIR.

Messrs. I. G. BAKER, & Co., care of W. C. Conrad, Esq.,  
Russell House, Ottawa.

14th May, 1884.

GENTLEMEN,—I beg to inform you that the following tenders by your firm for furnishing Indian supplies in the North-West Territories have been accepted:—

Flour for destitute Indians on the Piegan reserve; bacon for destitute Indians, annuity payments and farmers at Indian Head; tobacco for annuity payments at Indian Head.

Forms of contract, for execution by yourselves and sureties, will be prepared and transmitted as soon as possible.

I am, &c.,

ROBERT SINCLAIR.

Messrs. T. C. POWER & BRO., care of Marsh, Esq., Russell House, Ottawa.

14th May, 1884.

GENTLEMEN,—I beg to inform you that your tender for furnishing carts for this Department in Treaties 4 and 6 has been accepted.

Forms of contract, for execution by yourselves and sureties, will be prepared and transmitted as soon as possible.

Yours, &c.,

ROBERT SINCLAIR.

Messrs. JAMES WRIGHT & Co., London, Ont.

14th May, 1884.

GENTLEMEN,—I beg to inform you that your tender for furnishing woodenware: hardware, stoves, &c., for Indian industrial schools in the North-West Territories has been accepted by the Superintendent-General of Indian Affairs.

Be so good as to forward to this Department, as soon as possible, those samples which, as stated in your letter of the 29th ultimo, you were unable to furnish when you furnished the others. It is presumed that, with those exceptions, each box contains a full set of samples, as required. They will be sent to the various schools as they were received from you, unbroken.

Forms of contract, for execution by yourselves and sureties, will be prepared and transmitted as soon as possible.

Yours, &c.,

ROBERT SINCLAIR.

Messrs. NOAH PIPER & SON, Toronto, Ont.



14th May, 1884.

GENTLEMEN,—I beg to inform you that your tender to supply shoe packs for Indian industrial schools in the North-West Territories, in Treaties 4, 6 and 7, has been accepted.

The samples which are not required remain in the Department, subject to your order.

Forms of contract, for execution by yourselves and sureties, will be prepared and transmitted as soon as possible.

I am, &amp;c.,

ROBERT SINCLAIR.

Messrs. S. &amp; H. BORBRIDGE, Ottawa.

14th May, 1884.

GENTLEMEN,—I beg to inform you that the Superintendent-General of Indian Affairs has accepted your tender for supplying the articles included in the schedule for clothing for Indian industrial schools, excepting brogans, fur caps, shoepacks and grey felt hats, and for all the dry goods for those schools enumerated in the schedule, page 33.

The samples of dry goods consist, many of them, of whole pieces. These are not required by the Department. Mr. Wadsworth states that he had requested you to send pieces of cloth of a yard as a sample. In this case the samples necessarily have to be returned to you, and you will be required by the Department to furnish and to send to Ottawa three sets of samples of each article tendered for, each in a separate box. I have to request that you will forward these samples with the least possible delay, and in the meantime indicate the manner in which those now in the possession of the Department should be returned to you. The grey blanket is preferred to the blue one, and may be supplied, also the dark grey etoffe. With respect to the other articles, of which different samples were sent, the Department will entrust to your judgment the decision as to what is the best for the purpose.

The Superintendent-General has also accepted your tender for the supply of wire fencing.

Forms of contract, for execution by yourselves and sureties, will be prepared and transmitted as soon as possible.

I am, &amp;c.,

ROBT. SINCLAIR.

Messrs. J. Y. GILMOUR &amp; Co., Montreal.

14th May, 1884.

GENTLEMEN,—In consequence of the necessity that now exists for calling for new tenders for beef required for the Indians within the territory covered by Treaty No. 7 North-West Territories, I have the honor, in accordance with my conversation of this date with Mr. W. C. Conrad, of your firm, to request that you will continue to furnish beef on the terms of your present contract after the expiration of the period for which it endures, viz., on the 1st of July up to the 1st of November next, when any new contract or contracts that may in the meantime be made will come into force.

I have, &amp;c.,

L. VANKOUGHNET.

Messrs. I. G. BAKER &amp; Co., care of W. C. Conrad, Ottawa.

(Telegram.)

14th May, 1884.

THOS. R. SMITH, Winnipeg, Man.

Your tender for flour Piegan reserve at four twenty-five also accepted. Will confirm by letter,

R. SINCLAIR.

(Telegram from Winnipeg to Robert Sinclair, Ottawa.)

OTTAWA, 13th May, 1884.

Understand you accept all our tenders with the exception of bacon, Indian Head, for destitute Indians, annuity payments and farm supplies, tobacco, Indian Head, annuity payments, harrows, waggons, carts. Treaties four and six, flour, destitute Indians, Piegan reserve and provisions industrial school. Will supply hard-tack, Fort Macleod, at same price as Carlton. Kindly confirm, as some goods require immediate shipment.

THOS. R. SMITH.

31st May, 1884.

GENTLEMEN,—I beg to inform you that your recent tender for furnishing Indian supplies in Manitoba and the North-West Territories has not been accepted, and I have the honor to return to you, therefore, herein enclosed, your cheque No. , for \$9,000, enclosed with the tender in question as security for the due performance of the contract.

The samples furnished will be held by the Department waiting your order.

I am, &c.,

ROBT. SINCLAIR.

Messrs. FORD & STEWART, for Mr. Ford, Russell House, Ottawa.

Grist Supplies.—A. Macdonald, Esq., Winnipeg, Manitoba. Cheque No. 0999, for \$18,000.

Ammunition.—Messrs. Risley & Kerrigan, Toronto, Ont. Cheque No. 45807, for \$147.58.

Supplies for Industrial Schools.—John M. Garland, Esq., Ottawa. Cheque No. , for \$600.

Beef at various points in Treaty 7.—Messrs. I. G. Baker & Co., for Mr. W. C. Conrad, Russell House, Ottawa. Cheque No. for \$8,269.54.

Flour.—Messrs. A. W. Ogilvie & Co., Montreal. Cheque No. 4586, for \$4,770.

Hardware, Stoves, &c.—Joseph R. Esmonde, Esq., Ottawa. Cheque No. , for \$142.27.

OTTAWA, 1st May, 1884.

SIR,—We have the honor to state that in tendering for supplies for destitute Indians at Blackfoot Crossing we made the error of putting the rate of flour in the wrong column of blank, bidding on Piegan reservation instead of Blackfoot Crossing, as you will observe by noticing our extension of figures in amount column.

As the error is so evident, we trust you will cancel the award made to us for Piegan reserve this day.

T. C. POWER & SON.

L. VANKOUGHNET, Deputy Superintendent Indian Affairs, Ottawa.

### TREATY No. 7.

#### PROVISIONS FOR DESTITUTE INDIANS.

	Blackfoot Crossing. In Government Storehouse.		Amount.	Remarks.
	Quantity.	Rate.		Description of Goods.
Flour.....lbs.	195,000	\$ cts. 3 47	\$ cts. 6,763 50	Fresh ground, equal to Strong Bakers', Toronto inspection, in double sacks containing 100 lbs. flour; the inner sack to be of strong unbleached cotton, the outer a gunny sack.



13th May, 1884.

FURTHER MEMORANDUM.—Herewith is submitted a letter from Messrs. T. C. Power & Bro., stating that their tender to supply flour at the Piegan Indian reserve was a mistake, and was a tender meant for the Blackfoot Crossing, the figures having been placed, in error, in the wrong column. They produce, to substantiate their statement, their original, retained by themselves, of the tender in question.

Their alleged intention is borne out, apparently, by the fact that the figures they quoted for the Piegan reserve are but little higher than those of the Hudson Bay Company for the Blackfoot Crossing. Thus :—

Hudson Bay Company.....	\$3 12
T. C. Power & Bro.....	3 47

The freight per sack on flour from the Crossing to the Piegan reserve, 103 miles, is \$1.08, which added to \$3.12 = \$4.20, and the bid of the company for the Piegan reserve is \$4.25, which is really the lowest tender, because, as explained by the Messrs. Power, their bid intended for the Crossing was.....\$3 47

To which, add freight to Piegan reserve..... 1 08

---

\$4 55

As against..... 4 25

---

Company lowest by.....\$0 30

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The Messrs. Power desire to be released from any obligation respecting the delivery of flour on the Piegan reserve.

ROBT. SINCLAIR.

The Deputy Minister of Indian Affairs.

(Telegram.)

13th May, 1884.

THOS. R. SMITH, Winnipeg, Man.

The following tenders accepted. For Manitoba, Keewatin and Duck Bay. For flour, Treaties four, six and seven, except at Piegan reserve for destitute. For bacon, Treaties four, six, seven, which must be all short clear, except at Indian Head for destitute Indians. Farmers and annuity payments. For groceries, Treaties four, six, seven, except for farmers. Fort Macleod and tobacco for annuity payments, Indian Head. For ammunition, Treaties four and six. For twine lines and wire for Treaties four and six. For harness, Treaties four and six. For agricultural implements, in Treaties four and six, except harrows, carts and waggons. For tools, Treaties four and six. For hard tack, Treaties four, six and seven; also axle grease in Treaty seven. Am writing.

ROBT. SINCLAIR.

BRANTFORD, CANADA, 26th April, 1884.

SIR,—We are in receipt of your communication of the 24th of April, which is by no means a satisfactory reply to our inquiries. From your letter it is evident that the heads of Departments at Ottawa know as little about the agricultural implement trade as the Indian agents in the North-West are represented to know.

On examination of the schedules we find the articles required by the Department are :—

- 1 Mower.
- 2 Reapers.
- 2 Horse rakes.
- 8 Waggons.
- 44 Harrows.
- 147 Ploughs.

Omitting the ploughs and harrows, the order is very small indeed—very much smaller than hundreds of orders which we have filed. You will therefore understand that the objections we make are not from any anxiety to procure the order, which at the best amounts to very little; but we are writing you as much for the sake of showing that the Department is doing a very unfair thing, and are not carrying out the policy of the present Government. It would be very easy, indeed, to make a point against the Government on the floor of the House, by a reference to the very matter about which we now write. We have evidence, however, that if your Department is made to understand the position fully, that anything that is now wrong will be corrected.

If the Indian Department require only one mower, two reapers and two horse-rakes, and these must positively be those made by the Massey Manufacturing Company of Toronto, why don't you give them the order, and not advertise for tenders when it is a matter of impossibility for anybody else but the Massey Company to tender for the goods required?

This same remark applies to waggons. If the Department want eight Chatham waggons, why don't they order them from the Chatham Manufacturing Company, instead of asking tenders from parties whose waggons would not be accepted? This same remark refers to the harrows and ploughs. The order for the former should be given to the manufacturer in Gananoque, and the order for the latter to Messrs. Westbrook & Fairchild, of Winnipeg. It is entirely useless to go to the expense of advertising for tenders for these articles when they cannot be procured, except from one manufacturer in each line, and he can charge the Department any price he chooses. Apart altogether from this, for your Department to ask for tenders, as they do, and stipulate for certain goods, only makes other manufacturers incensed to think that their goods should be excluded. The mowers, reapers and horse-rakes made by the Massey Manufacturing Company are good articles, and we have nothing to say against the Department for desiring to order them. At the same time, there are many other similar articles made in Canada quite as good, and which would give equal satisfaction to the Department.

In regard to waggons, how the Department ever came to choose such a waggon is beyond our comprehension. It is evident that it has been done from reasons otherwise than the merit of the waggon. The Chatham waggon has only been manufactured for two seasons, and it will be five years before it is known whether it is a good article or not.

It has not stood the test of time, nor is it as good a waggon as either Height, the Snowball, the Adams, the Lowrie, the Ramsey or the Bain. Nearly all these waggons have been in the market longer, are better known and are better goods than the Chatham waggon.

In regard to ploughs: in 1880, 1881, 1882 American-made John Deere plough was the best plough in the North-West, and at that time Mr. John Watson, of Ayr, was bringing American ploughs, as we were also ourselves. Does the Indian Department think that Canadian manufacturers have been sitting on stools doing nothing during the last four or five years? For the information of the Department, we may say that immense progress has been made during the last few years in the manufacture of ploughs for the North-West, and to-day the ploughs made by George Wilkinsson & Co., of Aurora, or by the Cockshutt Plough Company, Brantford, or by Verity & Co., of \_\_\_\_\_, or by the American Plough Company, of Ayr, of which John Watson is President, are just as good as the American-made John Deere plough, and are very much more largely sold in the North-West Territories.

We give these facts for the information of the Department, and again say that it is a very unfair thing for the Department to call for tenders in the manner in which it has.

We give herewith a memorandum of Canadian-made, which are in every respect equal to the goods asked for in the schedule of the Indian Department, and in getting out the schedules in future, if tenders are desired, the option should be given of supplying the goods we mention.



*Ploughs for the North-West Trade.*

Sulky gangs—The W. Cockshut Plough Company, Brantford.

Sulky ploughs—George Wilkinson & Co., Aurora.

Breaking ploughs—Verity & Co.

Cross-ploughs—North American Plough Company Agency.

*Mowers, &c.*

The Toronto mower and Massey mower—The Massey Manufacturing Company, Toronto.

The Brantford mower—A. Harris, Son & Co., Brantford.

The mower—The Watson Manufacturing Company Agency.

The New Model mower—B. Bell & Son, St. George.

Watson's Gem mower—John Elliott & Son, London.

*Reapers.*

The Massey reaper—Massey Manufacturing Company, Toronto.

The Brantford reaper—A. Harris, Son & Co., Brantford.

The Watson reaper—The Watson Manufacturing Company Agency.

The Triumph reaper—John Elliott & Son, London.

*Self-binding Harvesters.*

The Toronto binder—Massey Manufacturing Company.

The Brantford binder—A. Harrison & Co.

The McCormick binder—John Elliott and Son.

The Deering binder—Watson Manufacturing Company.

*Waggons.*

Speight waggon—Speight Manufacturing Company, Markham.

Snowball waggon—W. Snowball, St. George.

Adams waggon—P. Adams & Son, Paris.

Chatham waggon—Chatham Manufacturing Company.

All or any of these goods are equal to the goods asked for in the schedule of the Indian Department, and very many of them are much superior to the goods asked for. We know that the Department will absolve us from ulterior motives in writing as we do, because the goods that we could supply would be very limited indeed; but we do not like to see inconsistency in anybody, much less in any Department of the Government of our country.

Soliciting the favor of your consideration, and a reply,

We are, Sir, &c.,

A. HARRIS, SON & Co. (*Limited*).

By JAMES KERR OSBORNE.

L. VANKOUGHNET, Esq., Deputy Superintendent-General of Indian Affairs,

(*Telegram.*)

25th April, 1884.

ANDREW ALLAN, Esq., Montreal, Que.

Separate tenders for beef, for various treaties, will be considered if submitted.

L. VANKOUGHNET.

OTTAWA, 25th April, 1884.

*Telegram from Montreal to L. Vankoughnet, Department Indian Affairs.*

Will separated tenders for beef for various treaties be accepted? Reply paid.

ANDREW ALLAN.

## DEPARTMENT OF INDIAN AFFAIRS, 24th April, 1884.

GENTLEMEN,—I am in receipt of your letter of the 16th inst., also of an extract from a letter received from your Winnipeg house, which, in accordance with your request, I return, the same having reference to the implements called for by the schedules accompanying the forms of tender for this Department. I also enclose copy of my telegram addressed to you at your request, informing you that the articles to be delivered must be strictly in accordance with the specifications contained in the schedules.

I regret extremely that the Department cannot see its way to comply with the suggestion contained in your letter. I may say, in passing, however, that the only article of American manufacture called for by the tenders is the John Deere plough, and the reason for this will be explained in this letter.

From the experience gained by this Department in inviting tenders for agricultural implements, and from the manner in which the contracts have been fulfilled during the past five years, it has been found that the term "equal to" is entirely too vague to describe accurately the implements required, and to ensure the delivery of suitable articles. Such a description is also little or no guide whatever to the Indian agents who receive over the goods in the Territories, as these men are not experts in such matters, and it is impossible for them to say whether the implement is or is not "equal to" the article mentioned in the contract. You are aware that all manufacturers of machines consider their own manufactures the best, and without an actual trial it is difficult even for an expert to judge as to the relative qualities of such goods. Much more difficult is it, therefore, for persons as inexperienced in such matters as Indian agents usually are, to do so.

The result has been that many of the articles left, although declared by the contractors to be "equal to" the sample mentioned in the schedule, when used were found to be quite inferior.

It was then, however, too late to remedy matters, as the articles had been taken over by the officers of the Department. The Department has therefore, in its own protection, been obliged to specify patterns and the names of the makers of the implements required, to avoid these serious complications, and to leave the agents of the department without excuse in taking over goods.

There is also, in addition to the above, much inconvenience experienced when implements of so many different patterns are supplied, as it is difficult, when parts of an implement become worn out or defective, always readily to obtain the necessary parts to make it again complete, and many of the implements have therefore to be discarded. The Department has, out of the multifarious articles of which it has made trial under the old system, selected those which experience has shown to be best adapted to the country, and these patterns have been adhered to, as far as possible; and where, as has sometimes been the case, it has been found that in some particulars none of those formerly sent in gave entire satisfaction, after due inquiry from practical men, other makers' patterns have been chosen. With reference to "Speight" waggon, referred to in your letter, it was adopted by the Department in the first instance. It was found that although branded "Speight" waggon they were not complete according to the specification embodied in the schedules, and were in many respects an inferior waggon. For these reasons a change was this year made, and the Chatham waggon selected, as it was reported to be a serviceable vehicle by persons who had had experience of the use of them in the North-West. Not only were these waggons well made, but they have given every satisfaction to those who have had them.

With regard to the mowers, the "Toronto" mower has given the best satisfaction to the Department, and therefore there can be no reason for changing it for another, it not being desirable to have different patterns of the same machine in use, for the reasons above stated, viz., that when renewal parts are required confusion is caused. The same remark applies to the reapers and horse-rakes called for by the Department.



With regard to the harrows, Collard's flexible iron harrow was adopted three years ago by the Department. It has given great satisfaction, and there is therefore no reason to change the pattern. As regards ploughs, the John Deere plough has been found to be the most durable and the best implement of the kind for use in the North-West. Wilkinson's plough was tried, and it was proved to be a failure. One of them, for instance, was put to work on a small farm of about ten acres, attached to the industrial school at Battleford. It worked well for a short time, but the mould board and point both proved soft in temper. It was therefore considered better to adhere to the plough that had proved satisfactory, viz., the John Deere. Since the Department commenced farming operations among the Indians, in 1879, it has endeavored to introduce at various times, Canadian manufactured ploughs. They were received on the contracts of 1881 and 1881-82, but they proved entire failures, and had to be thrown aside as useless. I may state that in 1882 Mr. Watson, of Ayr, Ontario, who is a large manufacturer of agricultural implements, in a communication to the Indian Commissioner for the North-West Territories, stated that no Canadian make of plough had up to that time given satisfaction for prairie work, and that for his trade he intended furnishing American ploughs.

Trusting that these explanations will prove satisfactory to you.

I am, gentlemen, &c.,

L. VANKOUGHNET.

Messrs. HARRIS, SON & Co.,

Manufacturers of Mowers, Reapers, &c., Brantford, Ont.

SCHEDULE of Tenders for Indian Supplies opened at the Department of Indian Affairs, Ottawa, on Friday, the 2nd May, 1884:—

	Cheque for 10 per cent.
1. Ford & Stewart, beef.....	\$ 9,000 00
2. "A" I. G. Baker & Co., sundries.....	14,592 84
3. Hudson Bay Company, sundries.....	15,584 00
4. do do do .....	770 00
5. J. & C. Coughlin, flour and bacon, &c.....	18,500 00
6. A. Macdonald.....	18,000 00
7. John F. Risley, of Risley & Kerrigan.....	147 58
8. John M. Garland.....	600 00
9. James Wright & Co., London.....	146 00
10. Baker & Co., beef.....	8,269 54
11. S. & H. Borbridge, harness.....	218 00
12. T. C. Power & Bro., sundries.....	4,000 00
13. A. W. Ogilvie & Co.....	4,770 00
14. Noah L. Piper & Son.....	113 00
15. J. Y. Gilmour & Co.....	408 00
16. Jos. R. Esmonde.....	142 27
17. No Tender.	
18. O. E. Hughes & Co.	

**\$95,261 23**

Tenders received late:—

1. J. Y. Gilmour, wire fencing.
2. "B." I. G. Baker & Co., beef.

L. VANKOUGHNET, D. M.

21st April, 1884.

MEMORANDUM.—The undersigned has perused the accompanying letter from A. Harris, Son & Co., and begs to state, generally, that from experience gained in inviting tenders for agricultural implements, and the fulfilment of the contracts by the contractors during the past five years, it has been found that the term "equal to" some

well-known maker's goods is entirely too vague for use as a specific call for implements intended to meet certain ascertained requirements of the service, and that it is no guide whatever to the Indian agents when receiving the goods in the Territory. There are few men engaged in the manufacture or sale of agricultural implements who do not believe, and wish to make others believe, that the particular machines and implements in which they deal are the best in the country, and it is difficult for even an expert to judge of the quality of either the machines or implements without an actual trial, which can only be had after the articles have been received by the agent. Upon such trial, if they are found to be deficient in quality, and unsatisfactory as to working capability, it is then too late—at least, the Department has always found it so—for redress.

In its own protection, therefore, it has been forced to specify the particular pattern, and the name of the maker of the different implements required.

The selection of patterns and makers has been accidental. Different machines and implements have been used on the reserves throughout the Territories, at various times, and experience has shown which of these is the best suited for that country, and such patterns have been adhered to, but it has sometimes been found that none of those in use, from one cause or another, gave entire satisfaction, in which case, after due inquiry from practical men, another maker's pattern has been chosen. For example the "Speight waggon" was adopted in the first instance. Through delay in the contractor's shipments, those called for in 1882 did not arrive at their several destinations until 1883. The undersigned found that although branded "Speight waggon" they were not built according to the specifications embodied in the schedules, and were in many respects an inferior waggon. For those reasons a change was made this year, and the "Chatham waggon" was selected, because the undersigned had seen several of them in use in the Territories, and they not only were well made, but were giving every satisfaction to those who had them. A specification of this waggon has been embodied in the schedule of contract goods.

*Mowers.*—The "Toronto mower" having given the greatest satisfaction to the Department, there can be no reason in changing it for another, and it is not desirable to have different patterns of the same machine in use, as it causes confusion when "renewal parts" are required. The same remark applies to the reapers and to horse rakes.

*Harrows.*—"Collard's flexible iron harrow" was adopted three years ago; it has given great satisfaction. It is manufactured in Gananoque, Ontario.

*Ploughs.*—Although the "John Deere" plough was specially called for last year, the Hudson Bay Co., in filling their contract, substituted the "Wilkinson." During a visit of the undersigned at Battleford in 1883, one of these ploughs was put to work on the industrial school farm. It did excellent work for a short time, but the "mould board" and "point" both proved soft in temper, for which reason they would not suit the Department, and it was considered better to adhere to a plough that had proved to be satisfactory in every respect. Since the establishment of farming Instructors, in 1879, the Department has endeavored to introduce Canadian-manufactured ploughs upon the farms and reserves, and received them on the contracts of 1880-81 and 1881-82. They proved an entire failure and were thrown aside as useless.

In 1882 Mr. Watson, of Ayr, Ontario, a large manufacturer of agricultural implements, in a communication to the Indian Commissioner, stated that no Canadian-made plough had, up to that time, given satisfaction for prairie work, and that, for his trade, he intended furnishing an American plough.

The undersigned is of opinion that the Department would fail, to a certain extent, in its endeavors to teach the Indians the art of agriculture, should it, for the purpose of subserving any particular interest, insist upon their using implements which, having been thoroughly tested, have proved to be inferior to others which can be obtained, and which, as a matter of fact are, with one exception (that of the "John Deere" plough) all of Canadian manufacture.

T. P. WADSWORTH.

The Deputy Minister.



BRANTFORD, CANADA, 16th April, 1884.

DEAR SIR,—We enclose, for your perusal, two pages of a letter just received from our Winnipeg house. Please read and return. Last season we supplied the Indian Department, through the Hudson Bay Company, a very considerable quantity of agricultural implements, which, as far as we know, give the very best satisfaction. We, last year, called your attention to the fact that in your specification for goods you were not fair to Canadian manufacturers. We again call your attention to this fact. Ploughs: you call for the John Deere plough, which means the American-made plough; you should ask for the John Deere pattern of plough, which is made in Ontario, and quite equal to the American article. You stipulate for the Toronto mower; you should stipulate for a mower equal to the Toronto mower. You stipulate for sulky horse-rakes and reapers made by the Massey Company of Toronto; you should stipulate for these equal to those made by the Massey Manufacturing Company of Toronto. You stipulate for the Chatham waggon; you should stipulate for a waggon "equal" to the Chatham waggon. You stipulate for Collard's flexible harrow; you should stipulate for harrows "equal" to Collard's flexible harrows. The inconsistency of your specification will appear plain when you state that you have already made the Speight waggon your standard, which is a very much superior waggon to the Chatham, and costs from \$5 to \$10 more to build. When you stipulate for the John Deere plough that virtually shuts out every Canadian manufacturer from tendering; and when you stipulate for goods made by any one particular maker that virtually shuts out every other maker from tendering. We are quite sure that the wording of your specification has been done without due consideration and without knowing what the result would be. We are prepared to supply for the Indian Department:—

The Snowball waggon,  
 The Speight waggon,  
 The Minchin waggon,  
 The Brantford mower,  
 The Brantford reaper,  
 Diamond harrow, with steel teeth,  
 Prairie breaking ploughs, made by Wilkinson Company,  
 Cross, made by Wilkinson Company.

And we will guarantee all these goods equal in every respect to those you specify for; but as they are not the identical goods you ask for, we are shut out from tendering. We ask you to reply to us by wire whether the goods we have mentioned will be accepted. We also ask you to telegraph to your agents at Winnipeg, and advise them whether goods equal to those you specify for will be accepted. If you give us any opportunity of tendering we will do so; but cannot tender at all with the specification before us.

We are, &amp;c.,

A. HARRIS &amp; CO. (Limited).

*per Treas.-Pres.*

L. VANKOUGHNET, Deputy Superintendent Indian Affairs.

OTTAWA, 14th May, 1884.

SIR,—Referring to our conversation this morning, there are many things that make it impossible to furnish beef for your Indians as cheaply as we could do it if the contracts were for longer periods. If you will agree to a contract for three or two years, we will furnish you beef from 1st November next, at the following prices:

Reserves.	2 years.	3 years.
Blood.....	11½c.	10½c.
Piegan.....	11½c.	10½c.
Blackfoot.....	11½c.	10½c.
Sarcee.....	12c.	11c.

I make this offer, not official, as I wish it to be understood that if my proposition is not accepted it shall not prejudice any bids I may make under tender in competition with others.

W. G. CONRAD.

L. VANKOUGHNET, Esq.,

Deputy Superintendent-General Indian Affairs, Ottawa.

OTTAWA, 17th May, 1884.

SIR,—I beg to acknowledge the receipt of your letter of the 14th instant, submitting two new proposals, under either of which you state that Messrs. I. G. Baker & Co. will furnish beef, from 1st November next, at the points and at the rates mentioned in your letter.

Having submitted your letter to the Superintendent-General of Indian Affairs, I am directed to inform you that the Department is prepared to contract with Messrs. Baker & Co. for two years at the rates mentioned by you, the other conditions of the contract to be similar to those in their present beef contract with this Department, in so far as the same are consistent with the schedules for the ensuing year. I shall have the necessary papers drawn up immediately for execution by your firm, and subsequently by the Superintendent-General of Indian Affairs. Your letter will now be considered by the Department as official.

L. VANKOUGHNET.

W. G. CONRAD, Esq., Ottawa.



